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CALENDAR  
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COLONIAL SERIES,  
AMERICA AND WEST INDIES,  
JULY, 1712—JULY, 1714,  
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EDITED BY

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CORRIGENDA.

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- Page 10, line 13. For Phill. read Phile.*  
,, 17, line 30. *For Governors read Governor.*  
,, 38, line 28. *For 1388 read 388.*  
,, 191, line 3 from bottom. *For 30 read 20.*  
,, 252, line 13. *For Heldison read Addison.*  
,, 287. *Delete No. 551, which should be dated 1715.*  
,, 312, line 36. *For [? Earl of Dartmouth] read [? Lord Bolingbroke].*



## PREFACE.

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### § 1.

#### GENERAL.

The present volume carries the publication of the Colonial series of State Papers down to the end of the reign of Queen Anne.

Treaty of  
Utrecht.

The announcement of the Truce, and, presently, of the Treaty of Utrecht and its terms was received in the Colonies with a chorus of welcome (50, 66, 339, 396). The addresses no doubt bear witness to relief at the end of a long and expensive war (94 xii., 145 ii., 153, 231, 453, 453 i., 464, 468, 496 i.). If the weak points of the Treaty were realised, they were not yet openly expressed. Only the Jamaicans, disappointed of their hope of regaining the Asiento trade, and anxious lest the monopoly of the Royal African Company should be renewed, bewailed their lot and refused to sign a congratulatory address (612 i.). As to Cape Breton, the Council of Trade were asked for and gave the grounds for their statement that it had always been esteemed part of Nova Scotia by the French themselves (162, 166). No sooner was the Treaty signed, than the French began to settle and fortify that island, diverting to it all the energy and funds which had hitherto been spent on Acadie and Placentia, and placing it under the Government of the late Governor and Lt. Governor of Placentia (521, 522). Their schemes for settling on the Mississippi also caused apprehension (295).

Cape Breton.

Hudson's  
Bay Co.

Petitions were presently submitted by the Hudson's Bay Company and the planters of Montserrat for the settlement of the reparation to be made to them for damages inflicted by the French in time of peace or armistice (*v.* § 3). Steps were accordingly taken for the appointment on both sides of the Commissaries who.

by the 10th, 11th, and 15th Articles of the Treaty, were to settle these matters (638, 638 i., ii., 667, 674, 675, 691, 727, 736). Among the terms not in the bond was an arrangement by which, in return for the release of prisoners who had been sent to the galleys on account of their religious belief, it was agreed to make some concessions in favour of French inhabitants of the Plantations now ceded to Great Britain. Governor Nicholson was instructed to allow the French inhabitants of Nova Scotia and Placentia to continue to enjoy their estates until H.M. pleasure was further known (343, 386).

Peace with  
Spain.

Claim to Salt  
Tertudas.

The Articles of Peace and Commerce with Spain were circulated to Governors in April, 1714 (632). Already since the Truce the old question of the Spanish claim to Salt Tertudas had been raised again. Spanish privateers seized British vessels raking salt on that barren and uninhabitable island, on the grounds that it belonged to the Crown of Spain. New Englanders, on the contrary, asserted that the Spaniards had no occupancy there; that it was "free and common as the ocean"; and that the right of raking salt there, established by long usage and by Treaty, was essential to their fishery and of no value to anybody else (478 i., 484, 484 i.-vii., 504, 513, 513 ii.). This view was supported by the Council of Trade in their report on the subject (554 i.).

Eastern  
Indians.

The prospect of the conclusion of the war with France made the Eastern Indians anxious to come to terms with the New Englanders against whom they had rebelled. The terms of their submission are reported by Dudley (464, 466, 467).

Peace  
establishments.

Many problems, the natural aftermath of a long war, now called for decision. Among these was the establishment of troops necessary in times of peace, and the further question as to how far the Colonies could be induced to pay for their quartering and subsistence (275, 309, 413, 637, *etc.*). In view of the cost of supplying the Plantations with ordnance and stores of war, the Lord High Treasurer instituted enquiries as to how the Colonies could be made to pay for the whole charge of their governments (349, 574).



Foreign  
Sugar duties.

Amongst other advice and petitions as to the terms of the Treaties of Peace and Commerce (205, 206, 247), is a petition from West Indian merchants and planters against prohibitory duties being laid on British sugar and other West Indian commodities imported into France and French dominions (188, 247, 248). On the other hand, came a petition from Barbados against the importation into the Northern Colonies of rum, sugar, and molasses from Surinam, which was able to undersell the British Sugar Islands (482). After interviewing the agents for Barbados and Massachusetts, the Council of Trade decided to recommend that the trade between the Plantations on the Northern continent and foreign Plantations should be prohibited by law here (577). A bill was ordered to be brought in accordingly (589). Thus we find that in three particulars there was initiated after the Treaty of Utrecht the policy which was to be pursued with such singular infelicity after the Peace of Paris. This point has not, I think, hitherto been appreciated by historians.

Proposed  
settlements  
by disbanded  
soldiers.

The problem of settling soldiers on the land always arises after a war. The Empire had new land to be settled and disbanded soldiers in plenty, but after so exhausting a war little enough of the capital necessary for financing such projects. We have, then, petitions from a group of disbanded officers and soldiers for a grant of vacant land between New England and Nova Scotia (357, 366, 379 i.). They asked for a free passage and full pay for two years, amounting to some fifteen thousand pounds (385). The Council of Trade in reporting upon this proposal as desirable but expensive, suggested Nova Scotia as more suitable for such an experiment. Their suggestion was adopted (366, 390, 448 i.-iii., 459, 460 i.). It is interesting to observe that the original promoter of the scheme was Thomas Coram, whose name is familiar to Londoners as the Founder of the Foundling Hospital, and the eponymous hero of Coram Street and Dickens's Tatty Coram. In pressing the proposal put forward by him both as a means of saving starving ex-soldiers and of developing the Empire, he gives some interesting details of his own career (460 i.),

Thomas  
Coram.



with which his biographers do not seem to be acquainted (*v. D.N.B.* and authorities there quoted).

“Nova Anna” Expense proving a stumbling-block, a new scheme was next proposed for settling a Colony to be named Nova Anna on the site originally suggested. Settlers were to receive a grant of the lands, and a patent for coining 1500 tons of copper half-pence and farthings for England and the Colonies was to provide them with the necessary capital of £105,000. The report of the Master of the Mint, Sir Isaac Newton, exposed the weak point in these calculations (618 ii., 629, 633-640 i.), whilst the Council of Trade called attention to the rights of Massachusetts in the lands mentioned. They added that none of the other Colonies had been settled at the charge of the Public and in so burthensome a manner as this appeared to be (659).

French  
complain of  
illegal trade.

A complaint was made by the French of illegal trade carried on between Barbados and Martinique, and shared in and protected by Capt. Vanbrugh of H.M.S. *Sorlings* in defiance of the French Governor, his own Instructions and the provisions of the Treaty of Peace and Neutrality (716 i., 733, 733 i., 735, 737).

Abuse of  
Temporary  
Acts.

The consideration of a batch of Acts from Pennsylvania drew attention to an anomaly in the matter of temporary laws enacted there and elsewhere. The device of re-enacting an expiring temporary law before it was repealed provided a loop-hole whereby the right of repeal vested in the Crown might be evaded (553, 689, 689 i., 692). The Attorney General pointed out that in other than Proprietary Governments the case was already provided against by Instructions to Governors. But an Act of Parliament was needed to remedy the mischief in the case of Chartered Colonies. He remarked upon the absence of any obligation in the Charters of Rhode Island and Connecticut for the submission of laws for the approval of the Crown (728).

Act  
to relieve the  
Tobacco  
Trade.

In response to urgent petitions and reports from Maryland and Virginia as to the condition of the tobacco trade and the necessity of reducing the several duties upon that article, and in pursuance of previous representations by the Council of Trade upon that subject, a

bill for encouraging the tobacco trade was brought in. In Virginia an Act was past intended to restore the prestige of the Dominion tobacco (473, 473 i., ii., 684, 684 i., 686, 688).

Bolingbroke  
succeeds  
Dartmouth.

His activity.

In August, 1713, Lord Dartmouth announced to the several Governors that he had been succeeded by Lord Bolingbroke as Secretary of State for the Southern Department (455, 456, 487, 489). In spite of the enormous amount of business in which he was involved by the negotiation of the Treaties and home politics, Bolingbroke gives many indications of his grasp of the numerous important problems in Colonial affairs, which were now calling for solution, notably in Newfoundland, Nova Scotia and Jamaica (699, *etc.*). In one of the earliest instructions issued by him, he insisted upon the rights of Patent Officers being maintained (487). At the same time the abuse of Patent Offices was growing apace. Erasmus Lewis, for instance, was appointed Provost Marshal General of Barbados and allowed to exercise his office by Deputy on the ground that he was Lord Dartmouth's Secretary. His patent was revoked when Dartmouth was dismissed (96, 98, 111, 452). This, however, may not have been a case of *post hoc, propter hoc*. For Bolingbroke some months later was apparently ignorant of the change, and wrote to recommend Lewis and his Deputy to the particular protection of the Governor of Barbados. Possibly Lewis, in view of the uncertainty of the political situation, may have thought it wiser to strike a bargain and to sell the reversion of his place to his successor. Certainly the activities of the Jacobite party were increasing at this time, and are reflected in the changes which were taking place or being prepared in official life both at home and abroad. The appointments of General Nicholson, of Major Lloyd, of Lt. Governor Pulleyne and of William Sharpe, as well as the neglect of Col. Hunter and Col. Vetch and the recall of Governor Lowther and Lt. Governor Bennett must be considered in this light. Even that excellent servant, William Popple, the Secretary of the Board of Trade, was now threatened with dismissal as the reward for his sturdy Protestantism and support of Governor

Hunter and the Whig party. According to his own official statement made in June, 1716, he would have been turned out had Queen Anne lived a few days longer, for his place was "already promised to another." (*C.O.* 152, 11. *No.* 11.).

Commissioners  
to enquire  
into  
disorders, etc.

General  
Nicholson's  
Commission.

One of Bolingbroke's notions was to send Commissioners to enquire into the disorders and confusions in Jamaica, Barbados and the Leeward Islands and other Colonies in those parts, with a view to taking steps to put an end to them (612). This was an extension of the idea which had prompted the sending out of General Nicholson with a large Commission of enquiry into the affairs of the Northern Colonies (97). This Commission was primarily to enquire into the disposal of stores of war and funds granted to the Colonies since 1701 for various purposes; into the state of H.M. forces, woods, fisheries, settlements and into clandestine trade; and to treat with the Indians. Nicholson was empowered to dispose of superfluous stores remaining over there from the Canada Expedition, etc., and also to take back to America those which had been returned (97, 242, 259). The Lords Proprietors of Carolina were also permitted to commission him to enquire into and report upon the disorders in North Carolina (154, 264). He was also instructed to recover arrears of prize money due to the Crown. For there were good grounds for suspecting that there had been embezzlement or fraudulent concealment of considerable sums of this nature in the Plantations (267 i.-iii., 301, 301 i.-iii., 312 i.). Nicholson was further directed to report upon the delay in fixing the boundaries between Virginia and Carolina and between Pennsylvania and Maryland (311 i.). In addition to all these trusts, he was appointed Governor and Commander in Chief of Nova Scotia and Newfoundland (104, 105). His departure was delayed by bad weather. He did not arrive at Boston until the end of the year, when he immediately began to prosecute his enquiries into the affairs of the Northern Plantations (407, 443, 524 ff.). With Dartmouth's approval he took over with him some printed copies of the Queen's speech of 16th July and had 3,000 more printed in Boston, to be

Governor of  
Nova Scotia  
and  
Newfoundland.

Loyalist  
Propaganda.



circulated as propaganda to counteract "the traitorous factious and ill-natured pamphlets," which were being sent over and "industriously spread abroad amongst the people" (425, 432, 523, 731).

Prisoners  
sent home  
for trial.

Several instances occur of prisoners being sent home for trial—from Jamaica, the Leeward Islands and Virginia—under the statute of Henry VIII. referred to in former volumes. Such procedure does not appear to have been regarded as a grievance in the Colonies then as it was in Massachusetts some 60 years later. The objection came from England. For one reason or another, the witnesses and evidence in these cases lagged behind the accused. Lord Dartmouth therefore gave directions that Governors should be instructed not to transmit any prisoners without sending full proofs of their guilt at the same time (34, 49, 62, 135, 233).

Board of  
Trade.  
Revenue  
Accounts.

In response to the repeated requests of the Board of Trade, a considerable number of accounts of Revenue came in from various Colonies (420, 421). The Board again drew attention to the inconvenience caused by absentee Councillors (486). Their own salaries were seven quarters in arrear in Jan., 1713 (254). The Assistant Secretary, Adrian Drift, was sent to Paris to help Mat. Prior in the negotiations of the Treaty.

Absentee  
Councillors.

Packet-boat  
service.

At the close of the war, Mr. Dummer proposed to renew his packet-boat service, which had been suspended owing to the great losses inflicted by enemy privateers (10, 10 i., 13).

Jeronimy  
Clifford.

The unfortunate Jeronimy Clifford, still languishing in Fleet Prison for debt owing to the refusal of the Dutch to compensate him for his property in Surinam, now saw reason to fear that he was in danger of losing his lands in Jamaica (369).

## § II.

### THE AMERICAN COLONIES.

Carolina:  
Governor  
appointed.

Robert Johnson was appointed Governor of Carolina in April, 1713 (316), and Charles Eden Lt. Governor of North Carolina, in succession to Edward Hyde, who died in Sept., 1712 (99, 331 i.). The death of the latter

Disorders in  
N. Carolina.

War with  
Tuscaroras.

Help from  
Virginia.

Col. Moore  
defeats the  
Tuscaroras.

rendered confusion more confounded in that distracted Government. Political divisions paralysed attempts at defence against the Indians and even caused failure to fulfil the obligations undertaken on account of forces from Virginia sent to relieve the country (25, 99). A fresh outbreak of the Tuscaroras followed close upon the peace hastily patched up by Col. Barnwell. They were exasperated by his conduct in carrying off captives on his retirement to South Carolina, and encouraged by promises of help from the Senecas. These irregular proceedings, the Lt. Governor of Virginia declared, "discourage and disenable me to assist" the Carolinans (25). Before long, however, in response to a despairing appeal from the Assembly of North Carolina, he managed to extract from the very unwilling Burgesses of Virginia a grant of £1,000 for their assistance. The Assembly not without reason looked upon their neighbours as largely responsible for their own misfortunes, as well as for the danger which threatened the Virginian frontiers "by the continued disorders in the Government and the disorders of the people." But Spotswood remarks that the sum thus voted, though inadequate for the task of subduing the enemy, was the greatest donation ever made there to be spent out of the country. The Assembly of North Carolina had offered to supply provisions and the cost of transport for Virginian troops. But it soon became clear that they could neither keep this promise nor supply more than one hundred men for an expedition against the Indians, even though a gift of clothing for them was voted by Virginia. For some of the inhabitants deserted the country to avoid military service in its defence, and others sheltered themselves under the cloak of Quakerism. In the meantime a force of 850 Indians and 33 white men under Col. Moore was marching from South Carolina to their relief (272, 272 i., 273). Moore's expedition met with unexpected success. He inflicted a thousand casualties upon the Tuscaroras and captured their only fort (272, 355). As the Government of Carolina was incapable of continuing the war, and it was now certain that the Tuscaroras were being assisted not only by the Senecas, but also by the Mohawks and others of

- the Five Nations, Spotswood intervened to make peace (355, 524 iii. (a)). The Tuscaroras, after their defeat, had come down to the Virginian frontier, and Spotswood endeavoured to raise a force to deal with them. He completely failed, however, to enlist even the small number of two hundred volunteers which he proposed to raise for that service. He decided, therefore, to make a Treaty with the Tuscaroras, and this, fortunately, they were ready enough to enter into (473, 502). The details of it are given (603, 603 i.-iii.).
- Treaty made with them.
- Maryland Tobacco.
- Governor appointed.
- Drought and Poverty.
- Census.
- Claims of the Secretary ignored.
- Nicholson's Commission.
- Boundaries with Virginia.
- Maryland was still suffering from the low price of tobacco, but the hopes of the planters rose as it gave signs of improving (11). We have seen (§1), that attention was paid to their petitions for a reduction of the duties upon that commodity (319, 503, *etc.*).
- A new Governor was at last appointed in the person of John Hart (539). Very shortly after his arrival (695), he reported that the impoverishment of the planters had been increased by a serious drought, and that for want of satisfactory prices, they were abandoning the cultivation of tobacco and taking to raise cattle and grain. They were being compelled to manufacture clothing themselves, much to the detriment of the British woollen manufacturers (717).
- A census of the inhabitants was returned (1712). But in Maryland as elsewhere neglect in keeping the registers rendered it very imperfect (11, 11 i.).
- The claims of the absentee Secretary were still ignored by the Assembly. In spite of a Royal letter mandatory, they refused to pass an Act for regulating ordinaries as directed, which should appropriate the benefit of the licences to that office as heretofore, and compensate Sir Thomas Laurence for his losses since 1704 (112, 586). They stated their case at length in an address to the Crown (567).
- We have already referred to the Lords Proprietors' Commission to General Nicholson to enquire into the disorders in North Carolina and to appoint Deputies to the Council on their behalf (154, 264). He was also instructed to investigate the delay in fixing the boundaires with Virginia (311 i.). Although an Order in Council



in Jan., 1713, directed the appointment of Commissioners to settle this long-vexed question, Spotswood in July, 1714, reported that Mr. Eden, the new Governor, had arrived without any instructions to that effect from the Lords Proprietors. He explained the advantage they drew from this delay and the steps he intended to take (178, 245, 726).

Act for  
securing  
quit-rents,  
*etc.*

The Lords Proprietors sent out the draft of an Act, drawn by the Chief Justice Trott, and approved and amended by them, for securing quit-rents and settling titles to lands (302, 303). They withdrew their order that grants for new lands should only be issued by order of the Board in London, but fixed the rates, quit-rents and limit of each grant (462, 469). On complaint from Virginia, an Act imposing duties on Virginian traders with the Western Indians, contrary to previous instructions, was repealed (178, 245).

Taxation of  
Virginian  
Indian  
Traders.

Col. Carey  
permitted to  
return.

Col. Carey and those of his supporters who had been caught and sent home from Virginia for trial, were permitted to return to Carolina, no evidence against them having been forthcoming to support a prosecution (135, 233 ; *v.* § 1).

Massachusetts  
Bay.

To Bolingbroke, on his succeeding Dartmouth, Governor Dudley described the steps he had taken to defend the frontiers of New England and the difficulties he experienced in obtaining the release of English prisoners in Canada (116, *etc.*). The Council and Assembly of Massachusetts Bay addressed the Crown for a further preference to enable New England to compete successfully with the East Country in supplying the

Naval Stores.

English market with Naval Stores (592). In response to an enquiry from the Board of Trade, Dudley gave an account of the issues and provisions for paper money in New England (384, 509). The question had been raised by the Postmasters General. For bills of credit having been made current as specie and standing at a heavy discount, the collection of postage on letters involved considerable risk, as well as immediate difficulty owing to the fact that the lowest denomination of the paper currency was for the nominal value of five shillings (340, 340 i., 378, 384).

Paper Money  
and the post.

Submission of  
Eastern  
Indians.

The close of the war brought with it the submission of the rebellious Eastern Indians (464, 466, 467). Dudley was also able to announce the conclusion of an agreement with Connecticut over the long-standing boundary dispute (464, 464 i.).

Newbury  
Church.

There is a petition from the churchmen of Newbury in which there is a hint of a proposed episcopal establishment (519, 519 i.).

New York.  
Governor  
Hunter's  
difficulties.

Throughout this period the position of Governor Hunter in New York was one of great and increasing difficulty. The Council of Trade, indeed, supported him loyally at home (313, 324, 409, *etc.*). But the sinister opposition of Lord Clarendon was plainly revealed in an attempt to prevent the pardon of the negro conspirators whom Hunter had reprieved (293). As the danger of a Jacobite revolution grew more pronounced, the prospect of his being left in the lurch or superseded added to his anxieties and difficulties (404, 665). No notice having been taken of his continual applications for funds to carry on the settlement of German Protestant Refugees until the production of Naval Stores should have begun to pay their way, he was at last compelled to throw them upon their own resources. Many of them at once proceeded to settle on the lands at Schoharee. They had long desired to do so, but Hunter had done his best to prevent them. There they were soon starving (122, 404).

The Palatines.

Struggle with  
the Assembly.

The long constitutional struggle with the Assembly of New York now reached a very critical stage. Hunter appealed again and again to the Board of Trade, to Dartmouth and Bolingbroke, assuring them that nothing now remained but for measures to be taken by Ministers at home (123, 124, 169, 171, 293, *etc.*). It is significant that he who had acted with so much forbearance and moderation felt compelled to ask for an increase of troops to support the Government (100, 338). The Assembly still insisted that the Council had no right to amend money bills, and received the ruling of the Board of Trade on that point with "indecent heats and undutifull expressions" (7, 122). They assumed the right of adjourning themselves; denied the right of the Governor

and Council to erect Courts of Judicature ; challenged the right of the Crown to appoint officers or to dispose of public money, and persistently refused to vote an adequate revenue for the support of the Government (126, 169, 293). No question of economy was involved in this refusal, for their own frequent sessions cost more than the money they saved by not voting a revenue (122, 293, 293 i., 362). These and other infringements of the Royal prerogative could only be part of a policy intended to place the whole control of government entirely in the hands of the Representatives. On these grounds the Council of Trade recommended the passing of the Act which had been prepared in 1711 for settling the Revenue of New York over their heads (313). It was ordered to be introduced, but the close of the Sessions being at hand, it was not laid before Parliament (330, 409, 412). The threat of it, however, was sufficient to induce the Assembly to make a show of passing a Revenue Act. It was for one year only, and quite inadequate (404, 665). In pursuance of his Instructions, Hunter had begun to enquire into the quit-rents. He found that the planters had entirely ceased to pay them, relying upon the " sence and strength of a country jury, if they should be sued." The interest of the Crown had been badly served by former extravagant grants and renewals which reduced the original quit-rents. Hunter called attention to the insignificance of the sum due from so important a Province, and raised the question of the validity of such grants (293).

Act for settling  
the Revenue.

Quit-rents.

The Attorney General was consulted on this and other points in connection therewith, and also concerning escheats and the whale-fishery (328, 334, 427, 665).

The Five  
Nations.

Hunter reported the building of the two forts in the Mohawks' and Onondages' country (122), and also gave a curious account of the social and political customs of the Five Nations (295). He mentions that great apprehension was felt on account of French plans for making settlements on the Mississippi, " all along the backs of our settlements " (295).

New Jersey.

Affairs in New Jersey were at a standstill whilst Hunter awaited a decision upon his application for the



Councillors  
dismissed.

dismissal of the obnoxious Councillors. In the meantime Mr. Sonmans absconded with the Records (122, 296). At last an order was passed for making those changes in the Council which Hunter had declared to be necessary for the peaceful government of the country (65, 315). Harmony being thus restored, he was soon able to report the passing of many acts, and the settlement of the revenue for two years (404, 665).

Nova Scotia.

General Nicholson was appointed Governor of Nova Scotia in Oct., 1712 (97, 104, 105). Col. Vetch had continually represented the great difficulty he was experiencing in victualling the garrison at Annapolis Royal, their credit being exhausted and bills of exchange unpaid (31, 255). Nicholson did not visit his government, but, from Boston, accused Vetch of fraud and maladministration, on the reports of Sir Charles Hobby (652, 731). In pursuance of an arrangement with the French Court, by which English prisoners condemned to the galleys on account of their religion were to be released if some favour were shown to French inhabitants of the ceded territories, General Nicholson was instructed to permit the French settlers in Nova Scotia to retain their lands and tenements till H.M. "pleasure be further known," or to sell the same, if they preferred to quit the country (343, 370).

Acts of  
Pennsylvania.

The consideration of a batch of Acts from Pennsylvania (434, 525), raised a problem of considerable importance. By the terms of Penn's Charter, he was allowed five years after the making of a law in which to submit it for H.M. approbation, but it could only be repealed within six months of its being delivered to the Privy Council. The Council of Trade represented that six months was too short a period for the proper consideration of a large number of acts if submitted at a time of great pressure of business. Moreover, this provision opened the door to the passing of temporary acts, possibly of an objectionable character, which would expire before the date at which it was necessary for them to be laid before the Privy Council. Supposing such an act were disallowed, it could be re-enacted before any intimation of repeal could arrive in Pennsylvania.

By refraining from submitting the new temporary act until near the time of its expiration, the same process could be repeated, and thus the prerogative of the Crown of approving or disapproving acts might be evaded. A case in point was an act laying a duty upon incoming shipping other than that owned by the inhabitants of Pennsylvania (553).

Penn's  
surrender.

It was decided that the agreement with William Penn for the surrender of his propriety should be proceeded with. As he was now incapable of attending to business, an Act of Parliament was ordered to be prepared, for supplying his incapacity and altering the method complained of as to temporary laws and the time limited for transmitting and approving laws. The Attorney General reported that "during the last session of Parliament a bill for that purpose could not be settled, in regard of some difficulties between the mortgagees and family of Mr. Penn." In other than Proprietary Governments the case of temporary laws was provided against by the Governors' Instructions. But enquiry into the subject drew attention to the fact that there was no obligation by charter for Rhode Island and Connecticut to transmit their laws for H.M. approbation at all, and an Act of Parliament would be necessary to introduce any change in such charters (689, 689 i., 728).

Virginia.

We have already referred to the delay in fixing the boundaries of Virginia and the aid given to Carolina against the Indians. It was only with great difficulty that Lt. Governor Spotswood induced the Assembly to sanction those measures. They were unwilling to take any steps for the defence of the country, and the Militia was allowed to remain practically useless, although the danger of negro insurrections and Indian risings remained, even after the conclusion of the Peace. Spotswood devised a scheme for strengthening the frontier by settling parties of the Tributary Indians and some of Baron de Graffenried's Palatines along it (99, 726, *p.* 278). Spotswood managed to persuade the Burgesses to pay the debt incurred for previous measures of defence sanctioned by them, but they refused to pay for the spy-boat he had commissioned (272, 325,

Measures of  
Defence.

410). So serious was the position, that the Council of Trade recommended that a grant of arms and ammunition should be made, but under strict regulations to prevent the recurrence of loss and embezzlement (25, 260, 261). A frigate was appointed to protect the coast from pirates (375).

The  
Assembly.

Spotswood was anxious to make it plain that the Assembly acted through no lack of confidence in himself, but that they were committed to a policy of economy at all hazards. They had pledged themselves to their constituents to raise no taxes, "let the occasion be what it will." He attributed this attitude to the wide franchise by which the purchaser of only half an acre of land was entitled to a vote (99, p. 278). The Council of Trade thereupon recommended the passing of an act for the qualification of electors and representatives, threatening an Act of Parliament to that effect, if the Burgesses should refuse (325).

The Assembly rejected a bill embodying H.M. Instructions as to the method of granting lands (272, 272 vi., 410); but Spotswood proceeded to put the Instructions into force (272, 453, 473). By the end of 1713, however, he was able to announce that the Assembly had concluded their session satisfactorily by passing the Act *declaring what shall be accounted a sufficient seating, etc.*, as well as an important act *for preventing frauds in tobacco payments*, calculated to improve the position of the tobacco trade. It is a curious commentary on the political morality of this age of placemen, that he quite unblushingly observes, with regard to this act, that it will have the additional advantage of enabling a Governor for the future to carry "any reasonable point in the House of Burgesses; for he will have in his disposal about forty agencies, likely to yield nigh £250 per annum each; these my intentions are to dispose of among the most considerable men of the Colony, and principally to gratify with a place all the members of Assembly who were for the bill" (502, 530, 530 i., 531).

Returns and  
the Census.

In the course of replies to the enquiries of the Board of Trade in which he made returns of the revenue, negroes, and neighbouring Indians, etc., Spotswood explained



that the taking of a census was impossible owing to the fear of the inhabitants that it would be used for imposing a capitation tax. As elsewhere, the registration of births, christenings and burials was very imperfectly observed (25, 25 i.-iii., 272, 272 iii.-v., 603).

Mines.

Spotswood was profoundly interested in the exploration of the mountains on the frontier and the development of mines reported to have been discovered there, a project in which he engaged the services of Baron de Graffenried. He pressed for a declaration of the royalties which would be claimed by the Crown. Without this, prospectors would not proceed. The Council of Trade recommended that the Crown should demand a fifth part of all gold and silver ore mined, a figure suggested by the charter of Massachusetts Bay (25, 287, 599 ii., 671).

Tobacco in  
bond.

Action in the matter of the Tobacco duties is referred to in § 1. Among the remedies proposed for restoring prosperity to the tobacco trade was a scheme for keeping it in bond in warehouses (355).

Drought.

A long continued drought threatened the crops (726).

Body of Laws.

Spotswood's plan for collecting and publishing a body of laws was approved (410, *p.* 137).

### § 3.

## THE WEST INDIES.

The Bahamas.

The Bahamas, according to the Lt. Governor of Bermuda, who wished to have them annexed to his Government, were now nothing more than a nest of pirates, who preyed chiefly upon Spanish commerce (651).

Barbados.  
Guardships.

The appearance of a French fleet off the Leeward Islands (*v. infra*) occasioned an appeal for the help of the Barbados guardships. Governor Lowther seems to have done his best to send them. But unfortunately the Naval officers in command chose to take umbrage at his manner and to waste time over the question of his right to give them orders rather than to seek out the enemy and protect the Leeward Islands (69, *etc.*, *v.* Leeward Islands).

Assembly and  
money bills.

Recall of  
Governor  
Lowther.

In Barbados the Assembly were having the same dispute with the Council over the amendment of money bills as was being fought out at New York. Lowther plainly describes it as part of a move towards making themselves independent of the Crown (45). The Council of Trade agreed, and stated their view of the matter, making pointed reference to the revenue act intended for New York (412). Lowther had, however, by that time nearly reached the end of his tether. Complaints against his choleric and high-handed actions, notably in the case of Alexander Skene, whom he had been ordered to restore to his places, ended in his recall (143 i., 150, 172, 333, 333 i. *ff.*, 344, 412, 475, 487, 545, 571, 571 i.-vi., 576). He was commanded to hand over the administration of the Government to the President of the Council, William Sharpe (576). It was Sharpe who had brought out the order for the Governor's return. Lowther refused to surrender the government to him until the eve of his departure (654, 657). Sharpe, after duly lodging his complaint against this procedure, reported that the condition of the fortifications was deplorable and the "public credit 60 or 70 per cent. discount." He describes his endeavours to remedy this state of things, and complains that he was obstructed by Lowther's party in the Assembly (696, 711). His first steps were directed to reviewing the Militia and re-appointing those officers whom Lowther had turned out, replacing them by his own creatures (711). He wished to deal with the Council in a similar fashion. As Sharpe was reputed to be a Jacobite, and was appointed by Bolingbroke's Ministry at this juncture, these proceedings may perhaps have been tendencious. It is interesting to note that of twelve men of the best estates submitted by him as suitable for Councillors, no fewer than four had been educated at English Universities (711 i.).

Petition  
against the  
importation of  
foreign sugar  
into New  
England.  
Garrison  
establishment.

A petition was presented by the Barbadians against the importation into New England of rum, sugar and molasses (482, *v.* § i.).

The Board of Ordnance having represented that a large sum was owing for the establishment of gunners at Barbados, and that there was no money forthcoming

to pay it, it was decided that they should be dismissed, and their places filled by matrosses to be paid by the Assembly (275 i., 679 i., 680, 682).

Census. Returns were made giving lists of inhabitants, births, christenings and burials (45 ii., v.).

Bermuda. Lieutenant Governor Bennett received information in the spring of 1712 that the French were preparing to attack Bermuda. The expedition, however, was confined to the Leeward Islands (44, 44 i.-iii.). But in the autumn the island was visited by a disaster almost as ruinous, "the most severest hurricane that has been known here." This was on Sept. 8th, eleven days after that which devastated part of Jamaica (77, 94, 540).

Hurricane. Shortly afterwards Henry Pulleyne was appointed to succeed Bennett (147). His instructions permitted him to accept provision for a house or house-rent from the Assembly, provided it were made in the first sessions after his arrival and for the full term of his office. His salary was increased by the addition of £100 from the Exchequer, but he was forbidden to accept any present from the Assembly. It was hoped that in acknowledgement of this relief the Assembly would be the more ready to provide for the defence of the island (339 i., 540). Pulleyne reported that the Treasury was in debt to the extent of a thousand pounds or so, and that

Salary and House-rent. Presents forbidden. the poverty of the island was so great that it could not raise even this small sum and pay the usual expenses of the Government. The fortifications and public buildings were in a ruinous condition. After voting a small sum of money which had been used in the prosecution of Jones, the Assembly refused to raise another penny (540, 651).

Poverty of the Island. Complaints against Spanish privateers. Complaints were lodged against Spanish privateers which, after the peace, by virtue of alledged commissions from Havana, etc., were seizing any British vessel which had on board Spanish money, logwood, salt, hides or cocoa. It was recommended that reparation should be demanded from the Court of Madrid (544, 544 i., ii., 590, 596, 600, 601, 651).

On the other hand, the Spaniards were not without cause of complaint both as regards Jamaican privateers



(94, 107) and the nest of pirates in the Bahamas (651).

Jamaica.  
Disastrous  
Hurricane.

Whilst Jamaica was preparing to resist a possible attack by the French, a terrible hurricane swept across the island (28 Aug., 1712), devastating a large tract and dashing the hopes of the planters who had begun to look for a prosperous season. As much damage was done, it was said, as by the great earthquake. Terrible havoc was wrought among the shipping in the harbour. The long list of wrecks is given by the Governor (92, 94, 94 xv., 492). On receiving news of the Truce, Governor Lord Archibald Hamilton opened communications with the Governor of Petit Guavas with a view to the observance and possible extension of it, the exchange of prisoners, and, in accordance with his instructions, to the establishing of trade relations. His proceedings were hindered by a violent quarrel with Rear-Admiral Sir Hovenden Walker, Commodore of the Jamaican Squadron. The truculent behaviour of the Admiral, combined with a direct charge against him of using H.M. ships for purposes of trade, led to his recall (148, 148 xii., xiv., 149, 149 i. ff., 167, 167 i.-v., 176, 238, 239, 277 i. ff., 292, 413). It is noted that he was on terms of intimacy with the extreme members of the Assembly, whom we have met in previous years, and who conducted a campaign of opposition against the Government not unlike that which was in progress in New York (149). Lord Archibald, however, reported that they represented only a small and noisy faction, and that the generality of the country was well disposed both towards himself and the Queen's service. The Assembly made a satisfactory provision for the revenue (149, 492).

Rear Admiral  
H. Walker  
recalled.

The Governor  
and the  
Assembly.

The next sessions of the Assembly, however, was attended with so much heat and altercation that the Governor dissolved it, Oct., 1713 (492). But the same violent dissension broke out in the new House (Nov., Dec.). The chief point of dispute was the provision for the subsistence and quartering of the Regiment, much clamour being raised against the maintenance of a standing army, although by the peace establishment the Regiment had been reduced, after very careful consideration, to 300 men. The presence of some such force was necessary

Governor and  
Council  
obliged to  
provide for the  
Regiment.

Pretensions  
and violence of  
the Assembly.

Ruling by the  
Council of  
Trade.

to cope with the danger of negro insurrections, if nothing else (94, 290, 413, 492, 527, 580, 606, 612 ii., 637, 642, 701). When the act for providing quartering and subsistence expired, the Governor and Council were obliged to advance the money for that purpose out of their own pockets (664), the Assembly having been dissolved after a short sessions on account of their "violent and unwarrantable proceedings" (527, 615).

These are enumerated by Lord Archibald. They adjourned themselves without the Governor's leave, as in New York and Barbados; they denied the right of the Council to amend money bills; they attempted to arrogate to themselves the right of reviewing H.M. Regiment without consulting the Governor, and in other points endeavoured to infringe the prerogative of the Crown (615). The Council supported the Governor in his resistance to these encroachments (701). But it was complained that he had received little encouragement from Ministers at home, and that the consequences might prove very unfortunate (612 ii.). The Board of Trade, however, did not fail to express their opinion of the Assembly's pretensions. They clearly stated that the claim that the Council had no right to amend money bills was groundless and would receive no countenance at home. The Assembly, as well as the Council, it was laid down, only sat as part of the Legislature by virtue of the Governor's Commission. Consequently, the Assembly's "assuming a right in no ways inherent in them is a violation of the Constitution of Jamaica, and is derogatory to H.M. royal prerogative." They must not persist in assuming the rights and privileges of the House of Commons; if they did, measures would be taken to assert H.M. undoubted prerogative. Their adjourning themselves without the Governor's leave was another instance of their undutifulness and disrespect to the Crown, and unless the next reports from Jamaica showed that they had changed their tune, proper remedies would be applied (701). Another cause of offence was the refusal of the Assembly to join in an Address of congratulation upon the Peace, and then transmitting through their Speaker an Address in which they stated

their dissatisfaction in the matters of the Asiento and the African trade (527, 612 i., 615). These proceedings were accompanied by scenes and measures of great violence in the Chamber and the country. Bolingbroke wrote to Lord Archibald in June, 1714, explaining that great pressure of affairs had prevented him from examining the disordered circumstances of Jamaica, but that he hoped shortly to be able to devote his attention to it (612 ii., 699). This letter was written two days before the despatch of the Board of Trade already quoted (701). He had already informed the Board of Trade that no answer was to be made to the Address from Jamaica referred to above, but that the "disorders and confusions" in Jamaica, Barbados and the Leeward Islands seemed to call for some speedy remedy, and that it was therefore proposed to send to those parts a Commissioner, with instructions similar to those given to General Nicholson on his mission to the Northern Colonies and Carolina. These instructions the Board was instructed to prepare (612).

Commission  
of Enquiry  
proposed.

Acts.

Two of the Acts passed at this time were repealed. The first, *for preventing any one person holding two or more offices by deputy*, was objected to as directed against a particular individual. It was alledged, but also denied, that there were abuses resulting from the uniting of two offices in the case of the Secretary and Provost Marshal (278, 399, 422, 429-431, 437, 440, 444). The Act *for the relief of the inhabitants of Kingston* was annulled as misrepresenting facts and infringing the property rights of the late Governor, Sir William Beeston (681, 690, 702, 723). The Attorney General having pointed out several objections in law to the Act *for further quieting possessions*, which was otherwise desirable in the interests of the island, the Council of Trade decided to accept the proposal of "several gentlemen on behalf of Jamaica," and withhold their report upon it until the Assembly should have had an opportunity of passing another law free from those objections (394, 413). There was a good deal of discussion over the disposal of escheats, a question raised by the Governor (441, 441 i.).



Leeward  
Islands.  
Governor  
Douglas  
recalled.

This volume opens with one of a series of complaints by Robert Cunynghame against the Governor of the Leeward Islands for harsh and arbitrary conduct in St. Christopher's (1). Douglas replied to these charges as well as that of feathering his nest by compounding with the rebels in Antigua (127, 678, 678 i. *ff*). He was recalled in the following year, and Walter Hamilton appointed to succeed him (447, 449, *etc.*). His commission was prepared, but not signed (461). Douglas did not leave his Government till four months after he received his letter of recall, and then left Daniel Smith, Lieut. Governor of Nevis, in command (605).

Raids by  
French.

Before this, Barbados and the Leeward Islands had suffered much alarm, and Montserrat great damage, from the French expeditions that were abroad under MM. Duguay-Torin and Cassart. Early in the morning of July 6th, 1712, a powerful squadron, including seven men of war, appeared off Antigua. They endeavoured to effect a landing at Willoughby Bay, but abandoned the attempt, according to one account because they saw a few horse and foot ready to receive them (38), according to another, because of a heavy sea (33 ii., 38, 95 i.). This was Cassart's "private robbing expedition," which, after plundering Santiago and making an attempt upon Surinam, had been reinforced from Martinique and Guadeloupe (33 ii., 38). Cassart proceeded to Montserrat. There he effected landings at Plymouth and Carr's Bay, putting ashore over three thousand men, who plundered and ravaged the island for twelve days (6, 8, 17, 33 ii., 57). The islanders, though ill-prepared for defence and suffering from the absence of their Lieut.

Montserrat  
plundered.

Refusal to  
capitulate.

Governor, appear to have acted on the whole with bravery and determination. Retiring to their "deodand," or strong place of refuge, they disputed the advance of the enemy, and refused to capitulate, in spite of the offer of easy terms. They were thus able to boast that a small force of 400 men had, against such odds, succeeded in maintaining H.M. sovereignty (38, 57 vii.). As soon as the French had left the coast of Antigua, Douglas had sent to Barbados for the assistance of the six men of war there. Rear-Admiral Sir Hovenden Walker,

Danger of  
Antigua.

Strange  
conduct of  
Naval Officers.

outward-bound for Jamaica with the London Trade fleet, had left instructions with Capt. Hamilton, who was in command of them, to go to the aid of the Leeward Islands in any emergency. Capts. Constable and Clark were ordered to prepare to convoy the homeward fleet. But without informing the Governor they went for a cruize and did not return from it till July 14th (38, 69). There was an unfortunate delay in responding to Douglas' appeal. The causes of it are clearly exposed in the despatches of the Governor of Barbados, and in the formal complaint to the Admiralty by the Governor, Lieut. Governor, Council and Assembly of Antigua. They do no credit to the fighting spirit of the Naval officers concerned (45, 45 vii., 57 iii., iv., 69, 95 i.). After waiting in vain for some days for the arrival of these men of war, Douglas set sail from Antigua with the four small and partly disabled guardships of the Leeward Islands (8, 33 ii., 38). Heavy weather prevented him from landing on Montserrat, though the islanders made a sortie from their deodand to aid him. But his appearance off Plymouth Road alarmed the raiders, who hastily re-embarked after setting fire to the town. They returned to Guadeloupe (33 ii., 38, 95 i.), carrying with them 1,200 out of 5,000 negroes upon the island, besides other plunder (38, 69). By this raid all the records and laws of Montserrat were destroyed (*C.O.* 152, 15. *f.* 34 *v.*). Douglas had returned to Antigua, after causing some alarm at Guadeloupe. On 20th July the six men of war from Barbados at last arrived at Antigua. Douglas immediately reinforced them with 400 soldiers, sailors and volunteers. Capts. Hamilton and Constable, however, decided not to attack the enemy if they should prove to be of equal force with themselves. Two days after their arrival they went out to reconnoitre in the direction of Montserrat, but returned on learning that the enemy had retired with his booty to Guadeloupe. They had thus missed an excellent opportunity of catching Cassart's ships in Plymouth Road with his men ashore. For the French landed on Montserrat on July 8th, and stayed there till the 19th, whilst Douglas' appeal for help reached Barbados on the 13th, but, owing to the unreadiness of Capt.

Constable and the unwillingness of Capt. Hamilton to sail without him, the men of war did not leave Barbados till the 17th. Ignoring the appeals of the Antiguans to stay for a fortnight and protect them from the further raid which was plainly threatened, or to attack with their aid the inferior French force now at Guadeloupe, they returned to Barbados on 26th and 27th July (38, 69, 95 i.).

Hasty preparations for defence previously neglected were made at Antigua (6, 38, 57). For, although the Governor of Martinique gave out that he was not rendering them any assistance, yet according to information from Martinique, Duguay-Torin was daily expected "with fifteen men of war to attack Barbados," whilst Cassart was still intending to raid Antigua and the rest of the Leeward Islands and hoping to intercept the homeward-bound Trade fleet (57, 69).

At the beginning of August a spy-boat reported that the two French squadrons had joined forces at Guadeloupe and were preparing for a descent upon Antigua. Their force now amounted to 16 ships and 32 sloops (33 i.). In these circumstances Governor Douglas again appealed to Barbados for the succour of the six men of war, who might then join the Leeward Islands convoys and conduct both their Trade fleet and that of Barbados on their homeward voyage (57, 69, 95 i.). In view of the enemy's strength the Governor of Barbados had already urged upon the Commanders the advisability of concentrating all available naval forces at Antigua (Aug. 8). But Capts. Constable and Hamilton were entirely concerned with resenting any orders or interference from the Governor. On the 21st Aug. came another urgent appeal from Governor Douglas, dated on the 13th, and stating that he expected Antigua to be attacked within a few hours. After wasting several days quarrelling with the Governor and Council who urged their departure, the two Naval officers announced on the 24th that they were going to leeward to discover the enemy's motions, but that they must first be supplied with men and powder. So they continued to delay. It was not until Capt. Constable had received an impetus in the shape of £400



from some gentlemen of Barbados and a promise of an indemnity in case the Admiralty objected to his not sailing at that moment with the Trade fleet, that they finally consented to sail in the direction of the enemy. Nor would they approach Antigua until they had ascertained that there was no danger (38, 69, 95 i.). The Antiguanians represent that had they joined forces as proposed, the ten English ships might well have destroyed the six Frenchmen, who carried 130 fewer guns (95 i.). Cassart, however, passed on to Surinam and Curaçao, which places he held to ransom (180, 291, 305, 307). His reported return to Martinique led the Governor of Barbados to enter into negotiations with M. Phelypeaux for the continuance of the Truce after its expiration on Dec. 11th, until further orders should arrive from home (180, 180 i.-iii.). About the same time Ducasse was reported at Martinique with an immense cargo of Spanish treasure, and the Barbados guardships were ordered to join the *Diamond* from the Leeward Islands and to endeavour to intercept him (181). The damage inflicted upon Montserrat was estimated at £180,000, and it was stipulated by the XIth Article of the Treaty of Utrecht that Commissaries should be appointed to enquire into them. The inhabitants of Montserrat petitioned for their appointment, and their Instructions were ordered to be drawn up (638 ii., 727, 736).

Damages for  
Montserrat.

Lt. Gov.  
Pearne.

The Lieut. Governor Pearne, returning from England with H.M. Commission, found his post at Montserrat occupied by Capt. Marshall, appointed in his absence by Governor Douglas. Marshall refused to give place, until Lt. Governor Smith suspended him. Neither of them seems to have been a very desirable representative of the Crown (38, 494, 494 i., ii., 605, 678, 678 i. ff.).

Ringleaders  
against  
Governor  
Parke sent  
home for trial.

Further evidence for and against Governor Parke and his murderers came to hand, whilst his relatives were active in pressing for the prosecution of the prisoners sent home for trial (141, 232, 304, 304 i., 532). Douglas gives a further account of his proceedings in this affair to Lord Dartmouth's Secretary (6). After dissolving the Assembly on account of their factious behaviour and refusal to provide for the Regiment or defence of the

island, he issued a warrant for the arrest of two ring-leaders, Dr. Mackinnen and Samuel Watkins, the late Speaker. They promptly sought refuge on board H.M.S. *Diamond*, the Captain of which had previously shown his sympathy with the insurgents (2, 6). On arriving in England, they managed to lie hid for some time, but were ultimately discovered by Parke's relatives and committed to Newgate (6, 81, 232), in company with Thomas Kerby. All three applied for bail, the evidence against them being delayed (6, 81, 93, 113, 129, 136, 141, 232, 265, 306).

List of  
inhabitants,  
Antigua.

Lists of the inhabitants, births, christenings and burials in Antigua, as well as returns of exports and imports, are given (55 x., xi.).

The Bounty  
for Nevis and  
St. Kitts.

Progress was made with the payment of the bounty to the sufferers from the invasion of Nevis and St. Kitts. Many preliminary points had first to be decided. What constituted the re-settlement of a plantation, which was a condition of the bounty? Was a planter who re-settled on a different one of the islands, or a parish Church which had been destroyed, entitled to the benefit of the grant (165, 173, 177, 185)? What was to be the form of the debentures and what was to be the form of the oath of re-settlement and powers of attorney? The answers to these problems show why some claimants for the bounty failed to make good their title both then and since. The record of the debentures issued gives valuable lists of the inhabitants of both islands at that time (20, 21, 190-204, 209-229, 535, 536). Recipients of the debentures petitioned to have them converted into South Sea stock (493). Meanwhile the unfortunate hostages whom Iberville had carried off from Nevis were still detained at Martinique where they suffered severely (605, 720, 720 i., ii.).

List of  
Debentures.

Hostages at  
Martinique.

Settlement of  
French part of  
St. Kitts.

With the conclusion of the war, which resulted in the retention of the French part of St. Kitts, the question of the disposal of the lands there came up for consideration. A plea was put in on behalf of the poorer inhabitants of the island (320, 373 i.). Many points, too, arose in connection with the temporary grants which had been made during the war (630, 662, *etc.*). The Council of

Trade was instructed to report upon the whole subject (476, 476 i., ii.). They recommended that the late French lands should be sold to the highest bidder, with a preference for those already in possession, who had improved their plantations. A quit-rent should be reserved, and no one family should be allowed more than two or three hundred acres, purchasers being obliged to keep a definite number of white servants per 40 acres. Free grants of the worst land near the sea should, it was suggested, be made to the poorer inhabitants, up to ten acres per family, and Commissioners be appointed from home to supervise the distribution without interference by the Governor (662).

Newfoundland,  
Placentia.

In July, 1713, Col. Moody was directed to sail for Newfoundland and there to take over Placentia from the French. He was instructed to permit the French subjects, who were willing to remain and become British subjects, to retain their immoveable effects, or to sell them, if they chose to leave (343, 386). Later, owing to a delay in sending orders from Paris to the French Governor there, Moody was ordered to allow the French garrison and inhabitants to remain at Placentia till the following spring, when they were to be moved to Cape Breton. But he was to take immediate possession of the forts (470, 480, 480 i.-v., 521). Moody, however, got no further than Lisbon that winter. He occupied his leisure in framing some proposals for new powers for himself as Lieut. Governor of Placentia, some of which were approved, but the suggestion that he should be empowered to employ the inhabitants out of the fishing season in felling timber and working on the fortifications was rejected as placing them too much at the mercy of the commanding officer (511, 565, 594). On his arrival in the spring he announced that he had taken possession of the town and fort on 5th June, N.S. He reported on the Fishery, recommended the establishment of a permanent civil Government, and enquired how he was to deal with French ships which were still fishing in the neighbourhood (483, 707, 713). Attention was naturally turned to the taking over and development of the Fishery which had now passed into British hands.

The Fishery.



Several reports and memorials were presented upon it (205, 206, 521, 698) both before and after the signing of the Peace. With the same object in view, Capt. Taverner was appointed to survey the late French coast and islands (415-417, 581, 582). Reports on the English Fishery, with some notes upon the abuses connected with it, are given (110, 115 i., ii., 310 i., 614).

In Oct., 1712, General Nicholson was appointed Commander in Chief of the forces in Newfoundland (104, 310 i.).

Spanish  
claim to  
right in  
Fishery, etc.

At the beginning of 1713 the Spanish Ambassador presented a memorial in which a claim was advanced on behalf of the Guipuscoans "and the other subjects of His Christian Majesty" to navigate, trade and fish on the coast of Newfoundland" (237, 237 i.). The Council of Trade in their report denied any such right (252). The claim was to be raised on many future occasions.

Deodand.

The word "deodand" ("dodand" or "Do Dun") occurs several times in connection with the raid on Montserrat (8, 38, 44, 57). We have had instances of it before (*v.* C.S.P., 1699, etc.) It is used to designate a strong, prepared place of retreat, to which the inhabitants of an island could retire before invaders.

CECIL HEADLAM.

*Aug.*, 1926.

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The documents calendared in the following pages are included in the volumes of the Colonial Office Records preserved at the Public Record Office and listed as follows :—

C.O. 5, 4 ; 5, 9 ; 5, 11 ; 7, 1 ; 5, 189 ; 5, 290 ; 5, 291 ; 5, 536 ; 5, 582 ; 5, 717 ; 5, 720 ; 5, 721 ; 5, 751 ; 5, 752 ; 5, 865 ; 5, 866 ; 5, 898 ; 5, 913 ; 5, 915 ; 5, 931 ; 5, 970 ; 5, 995 ; 5, 1050 ; 5, 1085 ; 5, 1091 ; 5, 1123 ; 5, 1222 ; 5, 1233 ; 5, 1264 ; 5, 1292 ; 5, 1316 ; 5, 1317 ; 5, 1335 ; 5, 1337 ; 5, 1341 ; 5, 1363 ; 5, 1364 ; 28, 13 ; 28, 14 ; 28, 16 ; 28, 38 ; 28, 43 ; 29, 12 ; 29, 13 ; 37, 8 ; 37, 9 ; 37, 10 ; 37, 24 ; 37, 26 ; 37, 28 ; 38, 7 ; 116, 21 ; 134, 2 ; 135, 3 ; 137, 9 ; 137, 10 ; 137, 12 ; 137, 46 ; 137, 51 ; 138, 13 ; 138, 14 ; 138, 15 ; 152, 9 ; 152, 10 ; 152, 11 ; 152, 42 ; 153, 11 ; 153, 12 ; 184, 1 ; 194, 5 ; 194, 6 ; 194, 22 ; 194, 23 ; 195, 5 ; 195, 6 ; 195, 43 ; 217, 1 ; 217, 2 ; 217, 31 ; 218, 1 ; 243, 4 ; 243, 5 ; 243, 6 ; 243, 7 ; 243, 8 ; 243, 9 ; 323, 7 ; 324, 10 ; 324, 32 ; 324, 33 ; 326, 47 ; 388, 15 ; 388, 17 ; 388, 76 ; 389, 24 ; 389, 37.

NOTE. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Words printed in italics between square brackets [*thus*] are suggestions by the Editor in places where the MS. is rubbed or torn.

The reference “ A.P.C. ” is to the printed Acts of the Privy Council, Colonial Series.





# COLONIAL PAPERS.

JULY, 1712.

1712.

July 2.  
Charles Fort  
in St.  
Christophers.

1. Robert Cunynghame to the Council of Trade and Plantations. *Refers to letter of April 30, q.v.* General Dowglas promised I should have a copie of my mittimus to prison, but took effectual care I should not, he has denyed to admit me to bayle, the Council after application to them, said not a word except Mr. Liddell who said the General would not allow of it, etc. Those of that board who fear loosing their employments, or have made away four of the Queen's brass field pieces, or sent provisions to the enemy at a time of greatest scarcity (which will be made appear if your Lordships think fit to order a thorow examination into, and effectual care be taken that Mr. Rawleigh the General's Secretary and John Hardtman, marriner, who has already sworn to the landing of 99 barrils of beef at Martenique be not put out of the way) will be cautious of acting contrary to the General, do what he please, etc. He says H.M. will hear no complaints against him, etc. *Signed*, Ro. Cunynghame. *Endorsed*, Reed. 19th, Read 27th Aug., 1712. 2 pp. [C.O. 152, 9. No. 128; and 153, 12. pp. 5-7.]

July 6.  
Antigua.

2. Governor Douglas to [? the Earl of Dartmouth, cf. July 10]. I send two of the chief promoters and advisers of ye late rebellion, and who are guilty of attempting rebellious practices since H.M. Proclamation was issued Feb. 6th last. Their names are Mr. Daniel Mackinen and Mr. Samuel Watkins, and their being brought to justice will in a great measure appease the troubles and divisions of this Island. The evidences against them are to follow speedily. *Signed*, Walter Douglas. 1 p. [C.O. 152, 42. No. 85.]

July 8.  
Westminster.

3. Copy of Privy Seal for the establishment of the Commission of Trade and Plantations (Francis, Lord Guildford, Sir Philip Meadows, Robt. Monckton, Arthur Moore, Francis Gwyn, Thomas Foley, and John Hind Cotton), etc. as Jan. 31, 1712. *Counter-signed*, John Wooddeson, depty. 4½ pp. [C.O. 388, 76. No. 136; and 389, 37. pp. 45-49.]

July 8.  
Whitehall.

4. The Earl of Dartmouth to Governor Hunter. Tho' the remittances which you expected for discharging the publick debts were not sent you by this convoy, you may however be fully assured that all demands of that nature shall be satisfy'd very

1712.

soon. H.M. care of you will not be limited only to that act of justice, but that a good establishmt. will likewise be settled for a garrison at Annapolis to protect her subjects in those parts, and secure to them the freedom and advantages of their commerce. *Signed*, Dartmouth. [C.O. 324, 32. p. 155.]

July 8.  
Whitehall.

5. *Same to Governor Dudley. Begins as preceding.*

*Concludes*: When you reflect how many affairs of the utmost importance have been under H.M. consideration for some months past, you will not wonder that things of less consequence should meet with some delay. *Signed*, Dartmouth. [C.O. 324, 32. pp. 155, 156.]

July 10.  
Antegoa.

6. Governor Douglas to the Hon. Erasmus Lewes, Secretary to the Earl of Dartmouth. Upon my arrivall in July last I found Mr. Hamilton the late Lt. General wholly in the interests and party of Mr. Mackinen (at whose house he lodged and endeavoured to press me to do the same) and of Mr. Watkins Speaker of their Assembly, and that they were the chief conspirators against General Parke and principal advisers and promoters of the late rebellion, and the chief sticklers for Mr. Hamilton's having the command of these Islands as chief Governor and do beleive even they themselves have not confidence enough to deny that Mr. Hamilton was privy and jointly concerned in all their factious intregues. I see such a majority and cruel partiality against the honest people that were not concerned in the Insurrection that I could not possibly at that time choose any other measures but to endeavour to bring these two unfortunate persons and some others to a due sence of their allegiance and duty and to an entire submission to the Queen's mercy, and to demonstrate the sincerity of their repentance by using their interest to quiet and unite the minds of the people and destroy the seeds of rancour and discord which these turbulent persons had sown through the Island (but without some rigour of justice nothing can succeed as the honour of H.M. service requires). I gave into all the methods of moderation and mildness to gain these ends and was obliged to hearken to some strange proposalls to gain time and break the strength of their rebellious faction, as their appointing Sir John St. Leger their Agent with hopes of extraordinary rewards in which they expected that I should be a sharer and fancying themselves a little secure to go on with their treasonable endeavours for Mr. Hamilton, they resolved to turn all my forced condescensions and seeming favours as arguments of complaints and male-administration, and employed Capt. Norbury to vent their malicious calumnies, the person they had formerly seduced and drawn in to be deeply concerned in their horrid conspiracies, as they in their private caballs commonly threatned not only to assassinate me but all those who had not embued their hands in the blood of their General and of many poor innocent people, and the Regiment (whereof there are a show of six companies in this Island) continues as unfitt for service as ever being unarmed without discipline and pay, and of late by the factious

1712.

endeavours of Mr. Mackinen and Watkins and their accomplices they were turned out of quarters, and denied the former allowance of provisions by which they subsisted and very few of the officers who are not seduced to favour their party, as also many of the soldiers who have been wanting in their allegiance as well as in their obedience, not that I believe any of them would again dare to disobey in opposing an open Insurrection. About the latter end of January last when they perceived I had broke their measures and defeated their projects, a guilty terror seized them and occasioned such various reports amongst themselves that their Assembly was not able to make up a number to set about any publick business such was their consternation, that at length they pressed me to take some effectuall method to calm the disquiets of the people and to prevent further disturbances and commotions in the Government upon which I resolved to issue H.M. most gracious Proclamation of pardon with all the limitations and exceptions I thought most adviseable (after having seized and imprisoned four that I was informed were violent in the Rebellion and one of whom was said to head a party) but I find they are not more guilty than others who were in arms who after two months imprisonment the Councill and Assembly advised to accept of £40,000 bail for them as I have formerly transmitted particular accounts and hope they will be found fitt objects for the mercy of H.M., and would extreemly conduce towards the peace and safety of these Islands : And that the voice of God and Justice calls for Kerby, Mackinen and Watkins and for the most part both partys agree in their being sent home without which it were impossible to allay the heats and factions of this Island, is plainly known to all men, and these two unfortunate persons have persisted in justifying the murder of General Parke since the Proclamation and have collected money and stirred up some unthinking people to join in the faction to promote the late Lt. General Hamilton's pretensions for ye Government under whom they suppose their most flagrant crimes and treason would be sheltered. These two were chiefly concerned in deluding Mr. Pearne, Lt. Governor of Montserrat, which poor Island is just now attacked by the French, and I am waiting for assistance from Barbadoes to try to carry some little force to releive them having at present onely the *Diamond* and *Scarborough* who is also sickly fitt for any service, (the *Roebuck* being for the present disabled in her mainmast, and the *Jolly* of only 16 guns) and by their factious animositys compelled some of the most worthy judicious members of the Assembly to leave of meeting with them, turned the soldiers out of quarters to starve and left off all thought of going on with their publick works and fortifications for the necessary defence of the Island, which now they grievously lament a great French Fleet being in sight with about 8 or 9 men of warr, three of which being reckoned of 60 guns ; and at length when by their factious proceedings there appeared great difficulties in getting a proper number of members together to make up an Assembly I dissolved them (intending very speedily to summon another) and gave out a warrant the second instant



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to the Provost Marshall to seize and apprehend Mr. Mackinen and Mr. Watkins who fled and absconded upon notice of it, and at length heard they were harboured on board one of H.M. own ships the *Diamond*, the inclosed papers fully shewing the Captain's misbehaviour in that matter, tho' he took a copy of the warrant yet pretended to me he did not advert to the word Passengers in the Master's receipt where they were sent on board without any particular order to the Master, whereby they expect to lurk some time in England before they are taken up, tho' I have also a receipt for the short letter in which I gave the Lord Dartmouth an account of their being sent home by my order, and I hope they will be produced. I kept a Fleet of homeward bound merchant ships under an embargoe for two or three days to get these prisoners on board, and if I had delayed ordering them to sail but two hours longer they had been all taken by the French Fleet (now at Montserrat) by which means Captain Lisle got that receipt for them, and two of the evidences against the prisoners were left behind, which shall be sent by first opportunity, these evidences and most people in this Island can witness upon what occasions that Captain vindicated the murder of General Parke, and insulted several people upon the account of their zeal to the honour of H.M. prerogative and detestation of those cruell murderers tho' at length, we have Captains of men of warr of better principles, family and education, and I have avoided as much as possible to take any cognizance of such unworthy and treacherous actions as believing it of consequence to be examined before more competent judges and would perhaps have been ill taken if I had interposed my authority according to exact justice and occasioned those disturbances which would have delayed the Fleet's being convoyed home in safety, and the Trade have suffered. I am now hopefull there are but one or two violent incendiarys more in this Island and should be mighty glad to have the honour to receive directions concerning the sending them home as prisoners as the only most infallible and speedy method of restoreing the peace, trade and tranquility of this Island. *Signed*, Walter Douglas. *Endorsed*, R. Oct. 28, 1712. *Addressed*. 1½ large closely written pp. [C.O. 152, 42. No. 86.]

July 11.  
New York.

7. Governor Hunter to the Council of Trade and Plantations. What I have to add to the duplicate of mine by the packet boat which goes now by the Virginia fleet is only to acquaint your Lorps. that all the Acts which past the Assembly and Council besides these which are therein mention'd are as follows, (i) An Act for *paying the Brittish officers*. This is only the continuing the 18*d*. per day to these officers dureing the winter, H.M. having by her orders allow'd them Ensigns pay. (ii) An Act for *paying the arrears due to the forces late rais'd in the County of Suffolk for the Expedition against Canada in 1709*. This is to pay the forces which serv'd for that County longer then the time provided for by the Assembly before they march'd on that Expedition, which is a piece of justice no other county besides that has done,

1712.

(iii) An Act for *paying 1600 ounces of plate for securing the frontiers at Albany*, which Act explains itself. (iv) An Act *reviving an Act against selling of rumm to the Indians, and for better guarding the City of Albany*. Your Lorps. haveing already the Acts which this revives, it wants no explanation. (v) An Act *prohibiting all but John Darmiter to make lampblack for 5 years*. This is to incourage the first who sett up that manufacture. These are all which past. But several other Acts being sent up which had been formerly amended by the Council but the amendments rejected for the reasons your Lorps. have been so often troubled with, and the same objections still remaining, I thought fitt to prorogue them. These Bills were that *for an Agency*, that *for assigning of Sheriffs*, that *for paying the officers of the Government*, and that *for laying a further duty on the tunnage of vessels and slaves*, copies of all which your Lordps. have already had for they differ in nothing from those formerly sent you. Besides those they sent up another for the better and more easy carriage of goods by land or water. Judgeing this not to be consistent with some of the Laws of Trade, I gave notice of it to the Officers of Customs who presented a petition against it, but it was dropt by ye prorogation. *Signed*, Ro. Hunter. *Endorsed*, Recd. Sept. 15, Read 11th March, 17 $\frac{1}{2}$ . 2 pp. [C.O. 5, 1050. No. 57 ; and 5, 1123. pp. 67-69.]

July 11.  
Nevis.

8. Lt. Governor Smith to the Council of Trade and Plantations. On Thursday the 3rd inst. this Island was alarmed by the enemie that lay between Guardaloupe and Mountserat with six men of warr, vizt. three of 60 guns, two of 40 and one of 32, with some other ships, and 8 sloopes. On the 4th the President of that Island advised me of the enemie, and I put this Island into the best posture of defence I could, in which it still continues. Yesterday by a ship that escaped from Mountserat I was informed that the enemie landed there the 8th instant and burnt some plantations, that the inhabitants were going to their Do Dun being of too small a number to withstand them and last night was seen a fire on that part where the Town stood by which I doubt they have burnt it. I have dispatched a sloop to Antigua to the Generall, who I believe could not but see the enemie off Mountserat, and I hope H.M. ships will joyne and come timely to their and our relief, that are under apprehensions of being likewise attacqued. 'Tis said these ships came from Brest with some regular troopes, and that their force now amounts to above 2000 men, soe that if the men of warr, Barbadoes being soe farr from us, should not come timely they will doe much mischief to these Islands. I will do my utmost endeavour for H.M. honour, *etc.* P.S. July 12. Just now I had advise by a long boat that escaped that yesterday the French flagg was hoisted at the fort at Mountserratt and the ships riding in the road at anchor. *Signed*, Dan Smith. *Endorsed*, Recd. Sept. 15, Read Oct. 31st, 1712. *Addressed*. 1 $\frac{1}{2}$  pp. [C.O. 152, 9. No. 131 ; and 153, 11. pp. 22, 23 ; and 184, 1. No. 27.]

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July 12. **9.** H.M. licence to John Pearne, Lt. Governor of Montserat, extending his leave of absence to one year since his departure thence. [*C.O.* 324, 32. *pp.* 156, 157.]

July 14. **10.** Mr. Dummer to the Council of Trade and Plantations. London.  
To give yr. Lordships an account of those accidents wch. were ye cause of ceasing the packett-boates to the West Indies will not be so acceptable to your Lordps. as the acquainting your Lopps. with my designe (if I am countenanced) not onley to enterprize that service againe, but to doe it with much greater dispatch. I have seen ye inconvenience of obliging every vessell to pass by all the Islands : I have learnt by experience that if ye boate wch. shall goe to Barbadoes do goe no further to Leeward, then to St. Xphers, and thence to returne for England ; and that the boate which shall goe to Jamaica, do goe to no other Island, butt returne thence directly, that then ye time they stay at each island by my first project (much too short) will be longer ; and yett all dispatches to and from each island will be quicker, and the service in generall more acceptable : for notwithstanding this alteration, those Islands shall be served with a monthly boate from England as they were before. *Begs the favour of a certificate from the Board commending the scheme.* This favour I can't despair of, if it were onley to me to make myselfe some amends by my own contrivance without askeing any assistance and recompence of the Crowne for those losses I have susteyned thereby dureing the warr : and for undergoinge soe bold, and unpresidented an enterprize, as this at first was knowne to bee ; *etc.* *Signed, E. Dummer. Endorsed, Reed. 14th, Read 17th July, 1712. Addressed. 1 p. Enclosed,*

10. i. Observations on the service of West India Packet-boats. The proposition first laid down in 1702 for maintaining a monthly correspondence with all the English Island Plantations in America, each vessel performing her voyage in 100 days or thereabouts, has been put into practice, though at first thought impracticable by many of the best seamen in England. *Rate of letters :*

Single of one sheet Outward 1s. 3d. Inward 1s. 6d.

Double or two sheets „ 2s. 6d. „ 3s. 0d.

and so on in proportion. For every ounce or a greater weight 6s. outward and inward. *Overleaf ;*—A scheme of the sailings of the West India packet-boats from the beginning of the service under the Post-Master General by Ed. Dummer in Oct. 21, 1702, untill Aug. 7th, 1711, when the service was discontinued. The length of the voyages varies from 92 to 165 days. 10 ships were taken by the enemy and two lost at sea. *Finely printed. 2½ pp.* [*C.O.* 137, 9. *Nos.* 66, 66 i ; and (without enclosure) 138, 13. *pp.* 392, 393.]

July 15. **11.** Edward Lloyd, President of the Council of Maryland, Maryland. to the Council of Trade and Plantations. *Acknowledges* letter of Oct. 26, 1711, with H.M. Order in Council repealing two Acts,



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which has been punctually comply'd with, *etc.* With the same packet I received two Acts of Parliament, which I have caused to be published. And further in obedience to your Lordships' commands in relation to severall of H.M. Royall Instructions to the late Governour, Col. Seymour, not punctually comply'd with, *etc.*, I have summoned H.M. Receivers of Puttuxent and Potomack Districts, John Rousby and John Dansey Esqrs., the former of which has perfected his accounts to the last yeare, and they will be transmitted to the Hon. William Blathwayt, Surveyor Generall and Auditor of H.M. Revenue in this Province. But the others vizt. Mr. Dansey's being intangled with the receipts of the Revenue in Pocomoke District cannot be yet perfected, but shall take care to urge that Receiver's compliance and to have them transmitted as instructed. *Refers to enclosures.* As to H.M. Instructions requiring the account of births, christnings and burialls, after all endeavours possible, the accounts I have got are so imperfect and insufficient by the neglect of ye persons who kept and who by the law ought to have made registers thereof, that it is in vain to trouble you with some very few parishes ; but have given direction to have the laws therefore put in execution ; so that I am in hopes the lists may be perfect the next year. The Commissary General of the publique arms and ammunion having return'd an account thereof the last yeare, on inspection it was found imperfect, and therefore he had orders to go through the severall Countys to gett a more exact account, which order since the receipt of your Lordps.' commands has been again renew'd to him ; but a very severe and long fitt of sickness has prevented his compliance therewith, however upon his recovery he has ingaged speedily to have the said account fully settled and return'd, which shall be transmitted your Honble. Board with the very first convenience. In obedience to H.M. Instruction requiring an account of what strength our neighbours have, be they Indians or others, and what correspondence wee hold with them. This Province being bounded on the north and south by Pensilvania and Virginia, and only part of one county on the east by the sea-coast, wee have little correspondence either with the northern or southern Indians, and haveing but few neighbour Indians inhabiting among us, wee live in perfect peace and friendship with them. The scituation of this Province being severall leagues up the Bay of Cheseopeake, wee have little knowledge what forces our enemies have at sea, yet frequently heare of some privateers coasting off the Capes of Virginia, which sometimes take severall of our vessells passing in and out of those Capes to the damage of our trade. And as to the wants and defects of this Province, the chief product thereof, and what improvements may be made. This Country has suffered very much by our Tobaccos, our only Staple commodity, which for some years past has mett with very low marketts, so that many are reduced to great poverty, and others ingaged in debt. Our manufactures are very little but what mere necessity has enforced for some necessary course cloathing, during the great scarcity of goods. This last yeare wee have had a small trade for West India goods

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and salt in exchange of our Indian corne and wheat which has been transported to Lisbone, New England, and Maderas. But the planters finding some encouragement from the rise of tobacco the last year on the hopes of peace, they have very industriously betaken themselves to the culture thereof, so that wee have expectations of a very good cropp, if the latter part of the year prove seasonable. I am very much concern'd, that I am not able at present to send your Lordships a particular account, of every particular requir'd. But was very unwilling to lett the Fleete sayle without shewing my endeavours to obey your commands, though but in part, and begg your favourable acceptance thereof untill I can send a compleate account, *etc.* *Signed*, Edwd. Lloyd. *Endorsed*, Recd. Sept. 16, 1712. Read July 13, 1713. 2½ pp. *Enclosed*,

11. i. List of inhabitants of Maryland (by counties): *Totals*, Masters and taxable men, 11025; white women, 9077; children, 17641. Negroes, 8330. The masters and taxable men are generally reputed fitt to beare arms, being from 16 years and not many old or decrepid. *Same endorsement.* 1 p.
11. ii. An account of the several Courts, Officers and Offices in Maryland. *Same endorsement.* 5 pp.
11. iii. A table of fees of officers in Maryland. *Same endorsement.* 4 pp. [*C.O.* 5, 717. Nos. 51, 51 i.-iii.; and (*without enclosures*) 5, 727. pp. 323-327.]

[July 16.] **12.** A memorial relating to the English prisoners in Canada, (*probably addressed to Lord Dartmouth*). The French and Indians goe out in parties for the most part every year, and attack one or more of the frontier villages of New England, and after burning the houses, carry off men, women, and children without distinction; some of whom they sell for servants to the inhabitants of Canada, and others they carry into the woods, and keep 'em for their own slaves. There are now above 100 of H.M. subjects in this condition, whose names I have a list of. It is fear'd that a Peace will not extend to the redemption of these captives; it is therefore humbly propos'd that the King of France be moved to send an order to the Governor of Canada to release 'em; as well those in the hands of the French, as those in the power of the Indians, who depend on the French and dare not refuse, when they know it is the pleasure of the King of France. *Endorsed*, R. July 16, 1712. 1 p. [*C.O.* 5, 9. No. 110; and (similar memorial, with some variations and no date or endorsement), No. 110a.]

July 17.  
Whitehal.

**13.** Certificate by the Council of Trade and Plantations in favour of Mr. Dummer (*v.* July 14). The monthly correspondence with all H.M. Islands in the West Indies managed by him 1702-1711, was a very good service to H.M. and her subjects, particularly to such who were concerned in the trade to and from the West Indies, or who had settlements and estates there. The losses he has sustained (*v.* July 14) appears to have been very great. And as there will be great convenience and advantage

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in a monthly correspondence with the said Islands by the said packet-boats, as well in time of peace as in time of War, whereby the imbezement or miscarriage of letters will be prevented, we have thought fit to give Mr. Dummer this our approbation, *etc.* [C.O. 138, 13. pp. 394, 395.]

July 17. **14.** Order of Queen in Council. Referring following to the Council of Trade for their report. *Signed*, Edward Southwell. *Endorsed*, Reed. July 21st, Read 27th Aug. 1712. 1 p. *Enclosed*,

14. i. Petition of Edmond Edlyne and Valentine Mumbee Members of Council of Jamaica, to the Queen. Pray for further leave of absence to dispatch their private affairs, *etc.* 1 $\frac{3}{4}$  pp. [C.O. 137, 9. Nos. 70, 70 i.; and 138, 13. pp. 400–402.]

[July 17.] **15.** Address of the Lt. General of the Leeward Islands and the Council and Representatives of Nevis to the Council of Trade and Plantations. Return thanks for their favour to them in relation to the grant in aid. *Signed*, W. Hamilton, Dan Smith, Richd. Abbott, J. Bevon, Aza. Pinney, Law. Brodbelt, Jno. Richardson, Mich. Smith, Rob. Eleis. Jno. Choppin, Speaker, Mich. Williams, John Symonds, Thos. Bridgwater, Roger Pemberton, Jno. Butler, Rich. Brodbelt, Geo. Meriwether, Davd. Gardner, Tho. Minor, Samll. Gardner, John Smith, Jasper Wall, Solomon Israel. *Endorsed*, Reed. Read July 17, 1712. 1 large p. [C.O. 152, 9. No. 124.]

July 18. **16.** President and Council of Maryland to [? the Earl of Dartmouth]. *Enumerate crimes of* Thomas Macnemara (v. Sept. 18, 1711). On his trial for the murder of Thomas Graham, he was found guilty of homicide by chance medley, and on that verdict the jury persisted against plaine evidence, tho' they were twice sent back by the Court. But the Cheife Justice and his associates takeing into consideration the barbarity of the fact with the malice prepens'd according to evidence, by his acting without any deputation from the Sherriffe, and that in his own case, which made it malice implied in law and so murther, they concluded that the jury had found the matter which was the manslaughter, yet they were judges of the manner, and so gave judgment that he was guilty of manslaughter, and for grounds of such their judgment relyed on the case of John Vane Salisbury in Plowden's Commentaries. Whereupon Macnemara was burnt in the hand, deprived of his practice, *etc.* (v. Sept. 18, 1711). He fled to England, notwithstanding warrants issued against him, and having found means to gett himself entred of Gray's Inn and called to the Barr, he appealed to H.M. in Council and obteyned an Order permitting him by writt of error to remove the proceedings on the indictment against him, the verdict having been *homicidium per infortunium*, and ordering that he be forthwith restored to his practice of attorney in the Courts of Maryland, and the Justices ordered to transmit the record and process of the indictment to H.M. in Council, *etc.* None appearing to



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gainsay or give a true character of him, in obedience to H.M. said Order, at the last Chancery Court, June 3 last, he was by the President and Keeper of the Great Seale restored to his practice in that Court; but the Keeper of the Seale being informed by the Attorney Genll. that he lay under an indictment, whereon the Grand Jury of the Province had found a bill for his assaulting and attempting to bugger the aforesaid boy (*v. Sept. 18, 1711*), he was thereupon suspended untill he should be legally acquitted thereof. Whereupon he has not been wanting to threaten he will complayne to H.M., whom wee most humbly desire your Lordship will informe of Macnemara's just character, *etc. Signed*, Edwd. Lloyd, Wm. Holland, Thos. Ennalls, Sam. Young, Tho. Greenfeild, Cha. Greenberry, Tho. Addison, Phill. Lloyd, Jno. Dorsey, Ricd. Tilgham. 8 pp. *Enclosed*,

16. i. Judges of the Provincial Court of Maryland. The grounds of our judgment against Thomas Macnemara (*supra*) was that the fact of murthering Thomas Graham, a Quaker without any weapon in his hand, appeared by the evidence to have been committed with so great mallice prepensed inhumanity and barbarity, togeather with the sinister and evill practice and interest his friends and relations used by tampering with the Jury, who would not by the evidence tho' plain nor by the arguments of the Attorney Generall tho' persuasive, be induced to find him guilty of any other crime than homicide by chance medly. Therefore we resolved *as in preceding*. And further wee most humbly offer to your Majesty's consideration whether the barbarous fact committed on the body of Thomas Graham, joined with the many former crimes and misdemeanours whereof he is guilty were not a legall and sufficient inducement to us to deprive him of his practice in your Majesty's Provinciaill Court here, where, with submission to your Majesty, wee conceive by vertue of your Commission to us granted, wee are judges of the behaviour and practice of the officers belonging to the same Court, and best know their lives and conversations. And hope your Majesty will be of opinion that wee have power to suppress their evill practices and for their misdeeds deprive them. And for our judgment aforesaid, tho' wee acknowledge wee are not thorough-paced lawyers, wee had some reliance on the case of John Vane Salisbury *ut supra, etc. Signed*, Wm. Holland, Tho. Smyth, R. Bradly. Maryland, July 18, 1712. 2 pp. [*C.O. 5, 720. Nos. 16, 17.*]

July 19.  
St.  
Christophers.

17. Lt. Governor Lambert to the Council of Trade and Plantations. H.E. the Generall being at Antegoa and not knowing of the saileing of these vessells from hence was the occasion of this presumption to acquaint your Lordships that on Tuesday was sevensight last the French with nineteen saile of vessells from Martineco and Guardaloupe landed on the Island of

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Montserrat and have been burneing the houses and canes thereon ever since. One Moulton in a pinke made his escape from thence to this Island after the enemy were landed, and have beaten the inhabitants from their Fortt. He gives accot. that he did see five saile of friggotts amongst them, two whereof were ships of 60 odd gunns, the others smaller. Yesterday arived a boat from St. Bartholomews, and gives a farther account that two French sloops had been cruising about that place by order of said French squadron to intercept vessells carrying anything off the island, and this was part of Monsr. Dugee's squadron, and that the rest was daily expected and farther that there design was on the other Leeward Islands; what credit may be given to this part I am not a judge—but the inhabitants are in a mighty pain, and have sent their goods all to the Fortt and all the Islands are in arms, *etc.* *Signed*, Mich. Lambert. *Endorsed*, Recd. 3rd, Read 31st Oct., 1712. 2 pp. [C.O. 152, 9. No. 132; and 153, 12. pp. 24, 25.]

July 20. **18.** Lt. Governor Hyde to [? the Earl of Dartmouth]. *Returns* North Carolina. thanks for his Lordship's favour, *etc.* *Continues*: I durst not have presum'd to have cas'd and directed my letters to yr. Ldp., had I not been assur'd by my wife that yr. Lp. had allow'd it, by reason all my former dispatches to the Lds. Proprietors and my friends have been intercepted, *etc.* I have in North Carolina been under the sharpest tryalls of any person in the world, and I hope I have acquitted myselfe with duty to my Queen and fidelity to my masters. I am really (my Lord) allmost worn out, having had continuall trouble without any allowance hitherto. It is in such generous breasts as your Lp.'s to do good to Families that have been unfortunate. My dear Ld. Rochester's death had like to have prov'd mine, I have lost my best friend, *etc.* P.S. My time is now tooke up in an Indian war, the consequence of that rebellion of Mr. Cary's, and I shall send yr. Lp. an acct. at large of all its circumstances. *Signed*, Edward Hyde. 1 p. [C.O. 5, 9. No. 18.]

July  $\frac{20}{31}$ . **19.** P. Vanderheyden Rézen to the Directors of the Dutch Fort West India Company. *Signed*, P. Vanderheyden Rézen. *Endorsed*, Read, Oct. 13 (N.S.), 1712. 15 closely written pp. Kykoverall, Dutch. [C.O. 116, 21. No. 7.] Rio Essequibe.

[July 21.] **20.** Copy of advertisement inserted in the Gazette inviting applicants for the grant in aid of Nevis and St. Kitts to attend on Mondays and Thursdays at the office of the Board of Trade at the Cockpit in Whitehall. [C.O. 153, 11. p. 498.]

July 21. **21.** Mr. Popple to Mr. Attorney General. *Encloses* Act for Whitehall. explaining the Act for the relief of Nevis and St. Kitts. *Continues*:—The Council of Trade and Plantations desire you to prepare the form of an oath for the proof of a resettlement according thereto. [C.O. 153, 11. pp. 498, 499.]

1712.  
 July 24. **22.** P. Vanderheyden Rézen to the Directors of the Dutch  
 Aug. 5. West India Company. *Signed*, P. Vanderheyden Rézen. *En-*  
 Fort *dorsed*, Read Oct. 13 (N.S.) 1712. 2 pp. *Dutch. Enclosed*,  
 Kykoverall, **22.** i.-vii. Accounts, inventories, Bills of lading etc. *Dutch.*  
 Rio Essequibe. [C.O. 116, 21. Nos. 8, 8 i.-vii.]
- July 25. **23.** Sir John St. Leger to Mr. Popple. I have received a  
 Headly. letter from Mr. William Douglass from Brest, who was taken  
 prisoner coming from Antigua, with several letters and instru-  
 ments as well for your office, as ye Secretary of State, with ye  
 proclamation of ye general pardon, and a full account of the pro-  
 ceedings thereupon, but he informs me, that all his papers were  
 lost or thrown overboard, except one packet, which fell into Mr.  
 Hamilton's hands, from whom I received ye papers I send you  
 herewith. *Signed*, J. St. Leger. *Endorsed*, Recd. July 29, 1712,  
 Read July 14th, 1713. *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,  
 23. i. Address of Lt. General Hamilton and the Lt. Governor  
 and Council of Antigua to Governor Douglas, St. Johns,  
 July 17, 1711. Address of welcome. *Signed*, W.  
 Hamilton, John Yeamans, Jno. Hamilton, Edw. Byam,  
 Hen. Lyons, Thomas Morris, Richard Oliver, Will.  
 Byam. *Endorsed, as preceding*. 1 p.  
 23. ii. Address of the Lt. General, Council and Assembly of  
 Nevis to the Queen. *Thank* H.M. for acceptance of  
 address declaring their abhorrence of Col. Parke's murder,  
 and for the grant in aid. *Continues*:—We cannot but  
 declare our great resentments of that most bloody, cruel  
 and inhuman tragedy intended to have been acted on  
 the person of your most sacred Majesty, etc. We beleive  
 ourselves at this time a people the most happy, by being  
 under your most gracious protection, and by having a  
 Captain General to govern us who we beleive to be an  
 example of piety and loyalty. *Signed*, W. Hamilton, Dan  
 Smith, Richard Abbott, J. Bevon, Aza. Pinney, Lawce.  
 Brodbelt, Jno. Richardson, Micha. Smith. Jno. Choppin,  
 Speaker, Michl. Williams, John Symonds, Thoms.  
 Bridgwater, Roger Pemberton, John Butler, Richard  
 Brodbelt, Geo. Meriweather, David Gardner, Thos.  
 Minor, Saml. Gardner, John Smith, Jasper Wall, Solomon  
 Israel. *Same endorsement*. 1 p.  
 23. iii. Address of the Lt. Governor, Council and Assembly  
 of St. Christophers to the Queen. Return thanks for  
 the grant in aid, and praise "the sweet comportments  
 and disposition" and moderation of Governor Douglas.  
*Same endorsement*. 1 p.  
 23. iv. Address of Assembly of Nevis in reply to Governor  
 Douglas' speech (*v. Journal of Assembly*). *Same endorse-*  
*ment*. *Copy*.  $1\frac{3}{4}$  pp.  
 23. v. Proclamation by Governor Douglas, St. Johns, Feb. 9,  
 1712. In pursuance of H.M. general pardon for the  
 murder of Governor Parke, the inhabitants are required  
 to abstain from party-making, and opprobrious language



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- in connection therewith. *Same endorsement. Copy. 1 p.*
23. vi. Petition of merchants and inhabitants of Antigua to Governor Douglas for a new Act of Courts, "to be made to be held the usual times in this Island, whereby petitioners may be enabled to recover their just debts." *Signed, Edward Chester and 23 others. Same endorsement. Copy. 1 p.*
23. vii. Proclamation by Governor Douglas. Feb. 21st (1712) is to be kept as a Day of publick Fast and humiliation throughout the Leeward Islands, *etc. Same endorsement. Copy. 1 p.*
23. viii. Governor Douglas' Warrant, Jan. 1712, suspending Walter Hamilton from being Lt. General of the Leeward Islands and Lt. Governor of Nevis, and publishing the same. *Signed, Walter Douglas. Same endorsement. Copy. 1 p.*
23. ix. Account of stores of war wanting for St. Kitts, April 17, 1712. *Signed and endorsed as preceding. 1 p.*
23. x. Governor Douglas' summons to the officers of St. Kitts to make a return to him in Council of all fines, forfeitures and escheats, *etc.* from June 4, 1706 to March 25, 1711. *Same endorsement. Copy.  $\frac{3}{4}$  p. [C.O. 152, 9. Nos. 161, 161 i.-x.; and (without enclosures) 153, 12. pp. 83-87.]*

July 26.  
Virginia.

24. Lt. Governor Spotswood to [*? the Earl of Dartmouth*]. *Repeats part of following. Concludes :—*

As to what your Lordp. is pleased to mention (Feb. 14, 17 $\frac{1}{2}$ ) of Col. Corbin's voluntary appearance, and petitioning H.M. to be heard for clearing his innocence in relation to the rasure of one of the Queen's passes, whatever pretences he may forme to vindicate himself from being concerned in that forgery, because such a clandestine action is hardly to be proved, yet he has not, nor can ever clear himself of the crime of concealing it, which it was his duty as Naval Officer to detect; and when he had a fair opportunity of doing himself justice at his tryal before H.M. Council here, and seemed to acquiesce in their determination, it was very unfair to carry an appeal before H.M. without ever giving me the least notice of his intentions, tho' he is not ignorant that it is the constitution of this Government that appellants must not only give such notice but also enter into bond for the prosecution of their complaints. However, I have great reason to be satisfied with the justice that has been done me in this affair, since notwithstanding I had none to appear in my behalf, nor to represent the character he has in this Country, he has failed in carrying the point he aimed at, *etc. Signed, A. Spotswood. 3 $\frac{3}{4}$  pp. Enclosed,*

24. i. Duplicate of No. 25. i. [*C.O. 5, 1337. Nos. 19A, 19A i.*]

July 26.  
Virginia.

25. Lt. Governor Spotswood to the Council of Trade and Plantations. *Encloses duplicates of May 8 and 15. I shall*

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according to my promise in the former begin with answering yours of Oct. 26th (*q.v.*). As to the Accounts of the receipts and payments of publick money required by the 31st article of my Instructions, upon my arrival here, enquiring of the Receiver Genll. for the copys of those accounts, I was told that he constantly transmitted them to the Treasury, and to Mr. Blathwayt, Auditor General of the Plantations, from whence he presumed your Lordps. had the perusal of them, for that no such accounts had been demanded of him by preceding Governors, for your Lordps.' use : and on that information I forbore sending copys thereof, being unwilling to trouble your Lorps. with more papers than had been usually sent by my predecessors : but now that I know your Lordps.' pleasure I have sent the last accounts of the Revenue of Quitt-rents and 2s. per hhd. and shall continue the like care for the future. There is besides these only a fund raised by a temporary duty for finishing the Governor's house, and all that hath arisen thereon hitherto, hath been applied to that use alone, and no great expectations of its raising much more than is so appropriated. I can't tell whether your Lordps. will think it worth while to inspect an account of that duty (it being under the managment of a particular Treasurer constituted by the Assembly) or of the tobacco payments regulated by the Assembly in that which they call the book of claims, levied by the poll on the tithable persons, and paid to the publick creditors to whom it is proportioned. I have in compliance with the 48th Article of my Instructions sent your Lordps. a list of all offices and officers within this Government, and as to the publick charges thereof, I beg leave to refer to the accounts of the Revenues, where the sallarys are particularly set down. The increase and decrease both of H.M. Revenues of quitt-rents and 2s. per hogshead depend on the market for tobacco ; and tho the former has received a considerable addition in the number of acres lately discovered, and some new land taken up, yet while the price of tobacco is so low, there is little probability of that revenue's increasing : and for the same reason the 2s. per hhd. has been for divers years past in a decreasing condition, the people being in sundry places of the country totally discouraged from making tobacco, but as soon as that commodity becomes again valuable (of which the near prospect of a happy peace gives us the greatest hopes) there is no doubt both those revenues will be considerably advanced. As to the 46th Article of my Instructions relating to patent places, there are in this Colony only two under the Great Seal, viz., the Secretary and the Auditor, which last has a Deputy acting under him here ; and the Receiver Genll. who holds his office under H.M. sign manual. Whenever I observe anything in the management of either of those offices which may be worthy your Lordps.' notice, I shall not fail to communicate the same with my thoughts thereon. The obtaining an account of all the inhabitants according to the 67th article of my Instructions has been attempted by former Governors with very little success ; for the people are so possessed with the apprehensions that a capitation tax will be the consequence of

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taking those lists, that they never would, nor will be perswaded to give up the number of their familys with any exactness ; nor can they be compelled to do it without a law for that purpose. The most exact accounts I can obtain is by the lists of tithables wch. comprehend all male persons bond or free above 16, and all negro, mulatto and Indian women of the same age, the number of which your Lordps. will find in the general list I have herewith sent, where you will also observe the number of freemen fitt to bear arms amounting to 12051 : and I beleive there cannot be less than an equal number of negros and other servants if it were fitt to arm them upon any occasion. The accounts of births, christenings and burials tho directed to be kept by an old law of this Colony, has been so long neglected, that in order to the obtaining a more exact computation thereof, I have been obliged to issue a proclamation to enforce that law : and have directed lists to be transmitted to the Council Office every half year, the first return of which will be made next October, whereby I hope to enforce what is required by the 68th Article of my Instructions. I have made enquiry concerning the stores of war in this Colony, and find that by order of former Governors, the arms and ammunition sent hither by H.M. some years ago, were distributed through ye several countys to be more ready for the service of the Militia upon any emergency : but either through the negligence or death of some of the officers to whom they were intrusted, there has been great embezelments made therein, which I'm now endeavouring to discover, in order to lay a true account of those stores before your Lordps. according to the 75th and 76th articles of my Instructions, tho' notwithstanding all the diligence I could use, I have not been able to obtain the same so as to send it by this conveyance. The 92 article concerning the strength of our neighbours, I suppose to be meant of the neighbouring Indians, (for there are no other forreign nations near this Colony). In answer to which, there are nine Nations of Indians tributarys to this Government viz. the Pamunkys, Chicahominys, Nansemonds, Nottoways, Maherines, Saponies, Stukanocks, Occoneechees, and Totteros, whose number of men, women, and children do not exceed 700 in all, and of those there may be reckoned 250 fighting men. These are all in an entire subjection to this Government, and live quietly on our frontiers traffiquing with the inhabitants their skins and furs for cloathing, powder, shott and other European manufactures. The next Nation of Indians with whom we have had frequent correspondence, and who are most like to annoy us, is the Tuscaruros said to be about 2000 fighting men ; they live within the bounds of Carolina, and before the late massacre committed there by some of them, and others, had a constant trade with our inhabitants for the like commoditys as our own Indians : but since that time I have prohibited all comerce with them, till they give satisfaction for the murders committed in Carolina. Besides these we have no other Nations that frequent our frontiers, and those with whom our traders have the cheifest traffique for skins live at least 4 or 500 miles



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to the south west of us, and their names scarce known to any but the traders. As to the 109th Article, there have been no negros imported into this Government from the coast of Affrica, either by the Company or separate traders since my arrival, nor like to be while the price of tobacco is so low, and the country so much in debt. There have been a few brought from Barbados and are generally such as have been first entered there, of which I doubt not your Lordps. have accounts from thence. The 110th Article of my Instructions I hope hath been complied with by my former letters wherein I have taken the liberty to represent to your Lordps. the wants and defects of this Government, as well as the improvements which I conceived might be made, according as the same occur'd to my observation : and shall not fail to continue the like representations from time to time as I find occasion. At present I cannot think anything of greater concernmt. to this country, as well as the particular service of H.M., than what I hinted to your Lordps. (May 15th) for encouraging the discovery of the silver mines. I have since the return of the Baron de Graffenried from Potomack discoursed him upon the probability of mines in those parts : he says, tho' he has no doubt of finding such from the accounts he received from one Mr. Mitchel a Swiss gentleman who went on the like discoveries some years ago : yet he finds himself much discouraged from prosecuting his first intentions not only because of the different claims to the property of the soil (whether belonging to the Queen or the Proprietors) but because the share which the Crown may claim in those mines, is also uncertain ; and that after all his trouble in the discovery he may chance to have only his labour for his pains : whereas he would gladly imploy his utmost diligence in making discoveries, if it were once declared what share H.M. would expect out of the produce of the mines ; or if H.M. would be pleased to take the mines into her own hands, promising him a suitable reward for his discovery, and granting him the superintendency of the works with a handsome sallary : he says it is a matter not new to him, there having been mines of the like nature, found on his father's lands in Swisserland which were at first wrought for the benefitt of the State, but turning to small account were afterwards yeilded to the Proprietor of the soil, upon paying a share out of the produce thereof : that he has some relations now concerned therein, and by their interest can procure skilfull workmen out of Germany for carrying on these works. I shall submitt to your Lodps. better judgment which of the alternatives proposed by the Baron will be best for H.M. service, and shall hope for a speedy signification of H.M. pleasure thereon, for promoting a design, wch. I can't but believe will turn to the advantage of H.M. and the improvemt. of this Colony. The Baron has not been so far up Potomack as to discover the head springs of that River, nor to make a true draught of their course : so that I can't now send your Lordps. the mapp I promised in my last, nor form a judgment of the pretensions of the several Proprietors. Having in sundry of my former letters given yr. Lordps. an account of the principal transactions of this

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Government, which have been treated of in Council, I shall not renew your trouble by any remarks on the Journals which I now send entire from July 24, 1711, to July 21, 1712. I have also sent the duplicates of the Laws and Journals of Assembly, together with the several proclamations issued this year. It is with very great concern, that I find myself still obliged to represent to your Lordps. the unhappy scituation of affairs in the neighbouring province of North Carolina: for since the hasty peace concluded with the Indians (*v.* May 8th), the forces sent from South Carolina are returned home, and the Indians have committed two fresh massacres, and it is not likely they will stop there, if there be truth in what one of their cheifs concerned in the first massacre hath lately confessed at his execution, that the Senequa's have promised them a powerfull assistance by the latter end of next month, who are in their way to fall on some of the Tributary Indians on our frontiers, and what seems to confirm this is the account I have just now seen in a letter from the Secretary of New York to the Governor of North Carolina, that the French have been very active to perswade the Senequa's to joine the Tuscaruros, and it is to be feared have prevailed with them. The conduct of the Government of North Carolina from the begining of this Indian war has been so unaccountably irregular, that it has rendered all the measures I was willing to enter into for their assistance ineffectual, and I hope when I have mentioned a few instances thereof, your Lordps. will not judge me only an idle spectator of the miserys of my fellow subjects. The first, when I had engaged our Assembly to vote a considerable supply for the succour of that Province, their Assembly which was then sitting, instead of acting in concert with ours, fell into such heats among themselves, because they could not oblige the Governors to admitt into their former offices, the most notorious fomenters of the late rebellion, that they would take no measures against the common enemy; and to this behaviour of theirs may in a great measure be attributed that of our Burgesses, who fell from their first resolutions, and could not thereafter be prevailed upon to give assistance to a people so wanting to themselves. Next when I had by a solemn treaty made in the presence of our Assembly, engaged the upper towns of the Tuscaruros to joine in cutting off those concerned in the massacre, and had communicated the same to the Governour of North Carolina. That Government instead of concurring with me, in stipulations that provided solely for their succour, and the relief of their captives: rather chose to denounce war against all the towns in general and without waiting to see whether those upper towns would perform any of their engagements, they immediately fell upon those very people who (how little soever they designed to execute their promises) hereupon argued that we had violated ours. And lastly (for I will not trouble your Lordps. with all the instances I could give) when their whole Assembly joined in an Address to me last spring, beging an aid of 200 men for the better carrying on the war, and in that Address told me that they had raised £4000 whereby the succours sent from hence would be

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provided for : I thereupon made extraordinary efforts to assist them with 200 white men and Indians, as your Lordps. will observe in the Journal of the Council April 24th last, and accordingly directed the rendezvous of those forces on the 10th of May : yet upon my meeting the Governor of North Carolina to adjust certain preliminaries for the better carrying on the service and the subsistence of the troops, I found that Government never intended to furnish so much as provisions or be at any manner of expence for them, but on the contrary had laid 10 per cent. on all the provisions carryed into that country, so that the forces sent to their assistance must not only be paid and subsisted at the charge of this Government, but must also pay a duty for the victuals they eat while they were employed in the defence of that country : and besides this I found the Commander of their forces had of his own head, clapt up a peace with the Indians upon very odd and unaccountable conditions, which nobody expected to last long, and it seems he did not intend it should ; for he soon after surprized some towns, and carryed off a great many captives of those who looked upon themselves as secure under the Treaty he had made with them, and by that means he has entailed a new war on the people of North Carolina, in which he was resolved to have no share, having immediatly after set sail with his prisoners to South Carolina, and the two massacres I have above mentioned have been the immediate consequences of this Mr. Barnwell's treachery. These irregular proceedings, both discourage and disable me from assisting the unfortunate people of that Province, who must be forced to abandon all their settlements on Neuse and Pamlico rivers, and thereby incourage the heathen to further attempts both on the other parts of that country, and on our frontiers : and I must sitt down under the mortification of seeing myself unable to protect H.M. subjects untill a nearer approach of danger convinces the people of this Colony of their error in not making timely provision to hinder the growing power of the heathen, and alarms both countrys to act more vigorously for their mutual defence. It was but the other day that a party of the Tuscaruros killed 3 and wounded two Nottoway Indians our Tributarys as they were hunting near our inhabitants, which seems only a prelude to what we may expect after their conjunction with the Senegas. I understand by some traders lately come from South Carolina that they make great clamours there, as if our Indian traders had assisted the Tuscaruros with ammunition ; but I'm perswaded your Lordps. will find enough on the Council Journals since September last, to refute that report ; and to satisfy your Lordps. that this Government hath taken all imaginable care to prevent any such commerce. Your Lordps. will observe by our Journals that even the trade with the Western Indians has been shutt up ever since last October, out of consideration for the province of North Carolina, but finding that trade still carry'd on by the people of South Carolina, and that those Indians have no correspondence with the Tuscoruros, I have again by advice of the Council, opened the same for our inhabitants, lest it should be lost to us, and the Indians obliged to sue



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to the French for those supplies which South Carolina can't furnish them ; but still with this precaution of taking £300 bond of every one of our traders not to trade with, nor go near the Tuscaruros or any other Nation in alliance with them. The Nations with whom this trade is carried on live sevell. hundred miles from the Tuscaruros ; and as our traders assure me they must travell at least 1500 miles to come at the most considerable of them who live on the back of the mountains in the latitude of Virginia. If this be true (which I shall know more certainly at the return of our traders, to whom I have given directions to make observations of the latitude) your Lordships will no doubt think it still more unreasonable, that the Carolina men should impose dutys and seize the goods of H.M. subjects for barely passing through their Country. *Acknowledges* letter of Feb. 1st, 17 $\frac{1}{2}$ . *Signed*, A. Spotswood. *Endorsed*, Recd. Sept. 19th, Read Feb. 26th, 17 $\frac{1}{2}$ . 9 $\frac{3}{4}$  pp. *Enclosed*,

25. i. (a) Copy of Proclamation by Lt. General Spotswood for apprehending Col. Thos. Cary and other seditious and factious persons (John Porter, Emanuel Low, Nevil Low, Capt. Stone, Edmund Porter, Levy Truehitt, Wm. Barrow, Tho. Sparrow, George Berkinhead, Henry Warren, Simon Alderson jr., Samll. Boatwell, and Richard Roach), that have made their escape from North Carolina into this Colony. July 24, 1711.

(b) Copy of a Proclamation for a General Fast on Sept. 7th to implore the blessing of God upon the expedition to Canada, etc. Aug. 6, 1711. *Signed*, A. Spotswood.

(c) Copy of a Proclamation repealing Acts of 1666 and of 1705 concerning the seating of lands. Oct. 24, 1711. *Signed*, A. Spotswood.

(d) Copy of a Proclamation restraining seating on out lands during this time of danger. Jan. 28, 1711 (12). *Signed*, A. Spotswood.

(e) Copy of a Proclamation for enforcing the Act of 1661 for the keeping of registers by ministers and readers, etc. April 1st, 1712. *Signed*, A. Spotswood.

(f) Copy of a Proclamation for publishing the encouragements in the Act of Parliament *for the encouragement of the trade to America*. April 1st, 1712. *Signed*, A. Spotswood.

(g) Copy of a Proclamation for prohibiting all correspondence with the Tuscaruro Indians. April 19, 1712. *Signed*, A. Spotswood.

(h) Copy of a Proclamation prohibiting the takeing up or seating any lands within the bounds in dispute between Virginia and North Carolina. June 10, 1712. *Signed*, A. Spotswood.

(i) Copy of a Proclamation for a free trade with the Western Indians. June 10, 1712. *Signed*, A. Spotswood. *The whole endorsed*, Recd. Sept. 19, Read Feb. 26, 17 $\frac{1}{2}$ . 11 $\frac{1}{2}$  pp.

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25. ii. Account of H.M. revenue of 2*s.* per hhd. arising in Virginia. *Total* (July 20, 1711—April 25, 1712,) = £2523 14*s.* 3*d.* Expenditure on salaries of officers, *etc.* = £3203 12*s.* 6*d.* *Same endorsement.* 1 *p.*
25. iii. Account of H.M. Revenue of Quit-rents in Virginia, June 1st, 1711—April 25, 1712. *Total*, £1585 18*s.* *Same endorsement.* 1½ *pp.* [*C.O.* 5, 1316. *Nos.* 90, 90 i.-iii. ; and (without enclosures) 5, 1363. *pp.* 459–475.]

July 28.  
Windsor.

**26.** Order of Queen in Council. Referring enclosed petition to the Council of Trade and Plantations for their report. *Signed*, Edward Southwell. *Enclosed*, Recd. 1st, Read 26th August, 1712. 1¼ *pp.* *Enclosed*,

26. i. Petition of the Society for the Propagation of the Gospel in Foreign Parts to the Queen. Thomas Poyer, wrongfully kept out of his parsonage and glebe in the parish of Jamaica in Long Island, fears lest, if he seek his remedy at law, and a cause of the Church be tried by Dissenters, he would not find justice. The value of the house, *etc.* being small, an Appeal to H.M. would not lie. Pray that, in causes relating immediately to the Church, appeals may be allowed without any restriction, or limitation of the value appealed for. (*v.* A.P.C. II. No. 1168). *Copy.* 4 *pp.* [*C.O.* 5, 1050. *Nos.* 52, 52 i. ; and 5, 1123. *pp.* 50–56.]

Aug. 2.  
Custom house,  
Bristol.

**27.** J. Reynardson and John Elbridge, Collectors of Customs at Bristol, to the Council of Trade and Plantations. Enclose following. *Signed*, J. Reynardson, Jno. Elbridge. *Endorsed*, Recd. Read Aug. 5th, 1712. *Addressed.* *Postmark.* ¾ *p.* *Enclosed*,

27. i. List of ships (10) cleared from Bristol to the Fishery at Newfoundland, June 24, 1711—1712. 1 *p.* [*C.O.* 194, 5. *Nos.* 14, 14 i.]

Aug. 4.  
London.

**28.** William Sharpe to the Earl of Dartmouth. Your Lordship, my Lords Archbishop of York and Bishop of London haveing done me the great honour of presenting me to H.M. I think myself highly concern'd to vindicate my character from aspersions *etc.* I now stand reproach't in those very things for which I have receiv'd the universal thanks of my country, and the approbation of the best of Princes ; *etc.* I pray your Lordship to sett my innocence in a true light before H.M. I have petitioned the Committee of the Privy Council for hearing appeals from the Plantations either to dismiss that fals and scandalous libell against me, or command the persons who lodg'd the same forthwith to serve me with copys of their proceedings, *etc.* *Compliments.* *Signed*, Wm. Sharpe. 4 *pp.* [*C.O.* 28, 43. No. 78.]

[Aug. 5.]

**29.** Micajah and Richard Perry, merchants of London, to the Council of Trade and Plantations. Petitioners having advanced several considerable sums of money for Governor

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Parke, he made over to them his land and negroes in Virginia as security, and owing also several sums by bond to others. As executors with his daughter, they have joined in an Act of Assembly there (to enable John Custis *etc. v. Aug. 26*) for selling part of his estate towards paying his debts, *etc.* Pray H.M. approbation of the same. *Endorsed*, Recd. 5th, Read 26th Aug, 1712. 1 p. [*C.O.* 5, 1316. *No.* 82.]

Aug. 6.  
Whitehal.

**30.** Council of Trade and Plantations to Lt. Governor Bennett. Having had under consideration an Act past in Bermuda, Jan. 19, 17<sup>09</sup>/<sub>10</sub> *impowering Richard Jennings to sell one share of land in Smith's Tribe*, transmitted to us in your letter of Aug. 30, 1710, we find that the land mentioned in the said Act is vested in Richard Jennings in Fee, whereas it ought to have been vested in Trustees to be by them sold, and the money arising thereby apply'd to the just payment of the debts of the said Richard Jennings, according to the true intent and meaning of that Act. And that the surplus if any there be ought to be laid out upon a purchase of lands to be settled to the same uses, as the land directed to be sold were limited and settled. Besides there is no saving in the said Act of the right of the Crown or Bodies Politic. For which reasons we have not thought proper to lay the said Act before H.M. And therefore you will do well to move the Assembly to pass a new law not liable to these objections. And when we receive the same from you, we shall lay it before the Queen for Her Royal confirmation. [*C.O.* 38, 7. pp. 35, 36.]

Aug. 8.  
Annapolis  
Royall.

**31.** Lt. Governor Vetch to the Earl of Dartmouth. I have wrote your Lordship so often relating to the state of this garison and the payment of the bills for its support without being honoured with the least return or direction with relation to the same, that I now allmost write in dispair, and as the Agent who hath launched out all the money he was capable to raise for H.M. service and the support of this garison, having received as yett no reimbursement is necessitate to abandon us, so that I cannott gett any person whatsoever who will upon the publick account advance either money or provisions for the support of the garison, nor have wee provisions for no more then a month's time longer, which is to the 10th of September, so that wee are like to be reduced to a necessity to abandon the place, for the inhabitants have not provisions to maintain themselves; soe that wee are reduced to the last extremity especially considering that the garison is composed of all the mutineers and refuse of the seven regiments from which they were detached as their own officers affirm: so that if any misfortune should happen, I cannott be justly blamed for the same. Seven or eight of them deserted to the French and Indians: but upon paying a reward of £5 pr. man, they were all brought back by the French save two, and being tryd by a Court Martiall five of them being condemned to die, of whom I reprived four by vertue of H.M. Commission to me for that effect: and one was shott conform to sentence.



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Since which twelve of them who were stragling abroad contrary to positive orders that same morning given out, were taken prisoners and two more killed, by a party of 150 or 200 Indians who came privately by order of the Governour of Canada to catch some prisoners to give them information whither any expedition was designed against that place : had they not been above the double number of Coll. Livingston's company of Indians, and that even the half of them was gone along with the *Saphyre* man of warr whom I sent att the desire of the Governours of New England and New York with two small tenders to the wreck of the *Fevershame* and transeports lost att Cape Britton, I doubt not but they would have recovered the prisoners from them, but they carried them all away to Canada, and wee have two more deserted since, many of them being Irish desert upon the account of Religion, so that if your Lordship and the Ministry would but please to consider my circumstances, you will find I have the hardest task imaginable to manage such a garison in such circumstances. As to the victualling of the garison it hath bein upon the most frugall footing possibly could be : for the Agent hath bein only allowed  $7\frac{1}{2}d.$  per day for the provisions delivered att the Fort, the freight of which cost att least a fifth part : besides the sea hazard : while att the same time, the victualling of each seaman in the station ships att Boston, who receive their provisions there and save all the freight, stands the Queen in  $9d.$ , etc. As I have by every possible oportunity pray'd H.M. orders, for near these two years past, so I hope I cannot be blamed in continuing them upon the same footing the Counsell of Warr who was impowered by H.M. left them in with me, etc. As soon as your Lordship will obtain me H.M. leave to waite upon her in Brittan, I doubt not to convince your Lordship and the Ministry that I have laboured under the greatest difficultys and hardships that perhaps ever any person in such a post ever did, etc., and have acted with the utmost zeall, justice, frugality and regard to H.M. honour and intrest, and hope to find a reward accordingly. *Refers to accounts transmitted, etc. Signed, Sam. Vetch.*  $1\frac{3}{4}$  pp. [C.O. 5, 9. No. 109.]

Aug. 8. **32.** Mr. Attorney General to the Council of Trade and Plantations. Submits form of oath for proof of resettlement by the sufferers at Nevis and St. Kitts (*v.* July 21). *Signed, Edw. Northey. Endorsed, Recd. 11th, Read 12th Aug. 1712.*  $1\frac{1}{4}$  pp. [C.O. 152, 9. No. 126 ; and 153, 12. pp. 1, 2.]

Aug. 9. **33.** Lt. Governor Lambert to the Council of Trade and Plantations. The enclosed I had presumed to have sent by some vessells bound hence for Liverpool, which parted in such confusion and fear of the enemy that the Masters omitted calling for it at the Custome house, etc. *Signed, Mich. Lambert. Endorsed, Recd. 3rd, Read 31st Oct., 1712.* 1 p. *Enclosed,*

St. Christophers.

33. i. Lt. Governor Smith of Nevis to Lt. Governor Lambert of St. Kitts. Nevis, Aug. 6, 1712. These serves to advise you of what news we had by a briganteen

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on Munday, which came from Antegoa Sunday last. The master reports that the *Virgin Queen* that day came in being sent out as a spye, saith that he saw at Guard a loupia 16 saile of ships and 32 saile of sloops by which number presume they are all joyned, and may be upon some attackt in a few days. It's also reported by what they have learnt they are designed for Antegoa, the men of warr are all halled in, and their men on shoare, as it's reported and all incampt ; which now I presume you will have from Capt. Liddle that went from hence on Munday. I am now sending out Capt. Canarragan's sloop to make some discovery, etc. *Signed*, Dan Smith. 1 p.

33. ii. Deposition of William Bevell and James Brookes, mariners. St. Kitts, Aug. 9, 1712. Deponents were taken at the Isle of May on April 24 by a ship belonging to a French squadron consisting of 7 men of war, which came from Toulon under M. Cousier, who took the Island of St. Jaugo, belonging to the King of Portugall, where they plundered for eight days, and burnt part of the town. Thence proceeded to Surinam (except one merchant ship which was reported went for Guinnia) they attempted landing there with 25 boats manned, but was put off, and then went for Martinique. The inhabitants of that Island and Guardaloupa joyned them with two briganteens and 16 sloops, and went first to Antegoa, where they attempted landing about midnight near Falmouth harbour, but was discovered, the Island allarmed, and they put away for Montserratt where they landed about 3000 men, ravaged and plundered that Island (in part) for 12 days and carryed off about 12 or 1400 negroes—but General Douglas with four small men off warr and five sloops appeareing off the Road where the French Fleet was at anchor, they burnt the towne, imbarqued their forces and sailed the same day for Guardaloupa. The French Commodore had 56 guns, one ship 50, one 48, one 40, one 30, one 20 guns ; the other ship had 30 gunns but left behinde at Martinique haveing lost her mast. *Signed*, William W. Bevell, James Brookes. 1 p. [*C.O.* 152, 9. Nos. 132, 132 i., ii. ; and 153, 12. pp. 26-29.]

Aug. 11.  
Windsor  
Castle.

34. The Earl of Dartmouth to the Council of Trade and Plantations. I am to desire you will let me know what informations you have recd. relating to a clandestine trade carried on by one David Creagh in the West Indies, particularly whether any affidavits have been transmitted to you, or living witnesses sent over to prove the crimes with which he stands charged. He is now on board one of H.M. ships of war, and no resolution can be taken in what manner to proceed against him till I have your answer, etc. *Signed*, Dartmouth. *Endorsed*, Recd. Read Aug. 13, 1712. 1 p. [*C.O.* 137, 9. No. 67 ; and 138, 13. p. 395.]

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Aug. 12.  
Whitehall.

**35.** Mr. Popple to Mr. Burchet. Encloses extract from Governor Hunter's letter, *etc.*, March 1st, relating to the building of a galley at New York, to be laid before the Lords Commissioners of the Admiralty. [*C.O.* 5, 1123. *p.* 49.]

Aug. 12.  
Charles Fort  
in St.  
Christophers.

**36.** Robert Cunynghame to the Council of Trade and Plantations. *Repeats* parts of April 30 and July 2. *Continues*.—General Douglas had me taken up by a false, scandalous and malicious warrant (*v.* C.S.P. 1711–12, No. 392 ii.), for that the persons he says informed him and Council, were not before the Council, but at the Lt. Governor's with a Justice and lawyer of his appointing, the Saturday and Sunday before, where he then was, I gave myself the pleasure by a letter on Monday, to inform him more than any or every body besides could and more than he cared to hear, which was delivered him by my little son of twelve years old, who I hope will have the honor to deliver this to your Lordships, with the copie of my said letter if required. Upon my appearing before him in Council the 15th he charged me with no part of his warrant but my letter, which I did and will justifie in every part, and what I said besides at the Council Board, *etc.* The Island of Montserrat is lately destroyed by 5 of the enemies ships from 30 to 54 guns, a Dutch prize, 13 sloops and smal vessels at a time there never was so many merchant ships nor of so good countenance in this Government, were some of them fitted out with the four men of war they would drive the enemies ships out of the West Indies. I wish your Lordships may not in a little time hear of the loss of all the Islands by the General's ill conduct, we daily expect to be attackt here, I continue a prisoner, my wife with child and eleven smal children, *etc.* My humble petition to your Lordships is that General Douglas, Lt. Governor Lambert and myself may appear before H.M. in Council, your Lordships, or at the Queens Bench Barr, for that here the General is always in the right, it will then appear who is guilty of high crimes and misdemeanors, or worse, General Douglas for his conduct on account of General Park at Antigua; upon account of Montserat and now all the Islands being exposed to be destroyed by the enemy, his suspending Lt. General Hamilton, which common fame said he was searching reasons for some months after, his oppressing me, and taking by himself or servants extravagant fees, more then ever General Park did, nine pieces of eight from a stranger for a lycence of marriage and seven from a poor man for proving a deed of gift, more demanded but beat down by both. Lt. Governor Lambert for making away four of the Queen's brass field pieces, two that came with the Duke of Bolton's regiment from England, and two with Sir Timothy Thornhills from Barbados which were in Charles Fort when Lt. General Hamilton went hence. Lt. Governor of Nevis. For being concerned with or consenting to General Park, in defrauding the poor inhabitants of this Island and Nevis of the Queen's Royal Bounty sent in the *Triumphant* under the convoy of Capt. Geo. Camocke of H.M.S. *Speedwell*, no part of the following species



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being distributed :—7 tierces of beef, 1 tierce, 7 barrils and 6 half barrils of pork, 8 tierces, 57 barrils of flower, 27 boxes of candles ; 43 hhds. of wine etc., 8 hhds. of salt ; 5 runlets of brandy etc. For that the said Lt. Governor's sloop being sent with a flag of truce to Martenique about Easter 1708, he with one or more of the Council were concerned in 99 barrils of beef then sent to the enemy, etc. For that some years ago he did take John Cannaragan an inhabitant of this island then sick of a fever from his family and put him on board H.M.S. *Diamond*, Capt. Ramsey commander, where he was put in irons and exposed to sun and weather upon the forecastle four dayes and nights without bread or water but what was given him unknown to the Captain, his pretended crime being piracy for taking under a Dutch commission one of General Park's flags (of) truce with contraband goods going to Martenique. He being told of it by myself some time after at a conference as I was Speaker to the Assembly, he said 'twas by the General's order and with consent of the Council, so that your Lordships see what they are. For that at this time of very great danger from the enemy, being still at Guardeloup, 37 dayes since they landed at Montsearat and a much longer time since we were apprized of their designs against the Islands, the Queen's best cannon lye exposed at the Old Road, Palmeta Point and Sandy Point, when they are wanted in Charles Fort as well for its defence as security of the ships that would on this occasion anchor under it, that the said Fort is entirely neglected, the well within as well as that without being choakt up with dirt and stones, neither winlass, rope nor bucket to either, that for these four months past that I am here, he has bin but four times in it and his stay at all those times not half an hour. That there is not a barril of beef nor flower upon Brimston Hill, which is our greatest security, by nature impregnable, and but lately either powder or ball, and the officers of the Queen's Regular troopes are not to this day consulted upon the danger that hangs over our heads. *Signed*, Ro. Cunynghame. *Endorsed*, Recd. 29th, Read 31st Oct., 1712. 3 pp. [C.O. 152, 9. No. 130 ; and 153, 12. pp. 14-20.]

Aug. 13.  
Whitehal.

**37.** Council of Trade and Plantations to the Earl of Dartmouth. *Reply to Aug. 11.* Enclose extract of letter from Lord A. Hamilton, May 15, and state of the case of David Creagh. *Autograph signatures.* 1 p. [137, 46. Nos. 4, 4 i. ; and (without enclosure) 138, 13. p. 396.]

Aug. 13.  
Antegoa.

**38.** Governor Douglas to the Council of Trade and Plantations. Sir Hovenden Walker arrived with the London fleet the 24th of June, and sailed for Jamaica the 28th, and left his orders for Capt. Hamilton, H.M.S. *Woolwich*, to come down from Barbadoes with all H.M. ships to the assistance of these Islands, upon the first notice from me, of any invasion from the publick enemy, or any new insurrection in this Island. On July 4th a squadron of men of warr from Thoulon commanded by Monsieur C'assaert, that had made some attempts at St. Jago was repulsed at Surrinam,

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alarmed Barbadoes, the *Panther* and *Burlington* having been chased by three of their biggest ships, alarmed us with some small ships appearing near Guardaloupe and standing off seemed to be reinforced with some more ships and sloops. They endeavoured to land on Sunday morning, July 6th, at Willoughby Bay and the Mamora, but stood off again upon their perceiving a few horse and foot in some readiness to receive them. On Munday morning they stretched along the Leewardmost part of the Island and besides a great many sloops and small vessells with small boats for landing men we reckoned one 70 gun ship (with 64 guns mounted called *Le Neptune* as our spy and prisoners have since informed us) two ships of 50 guns, one ship of 40 guns, three ships of 32 guns. In the evening they landed a few men at Carrs Bay upon the Island of Montserratt, and next morning at Plymouth after firing some broadsides against the battery and tower they landed there and to northward of the Island at Carrs and the next Bay above 3500 men as they confidently report. Upon the first alarm I immediately sent away two sloops to the Governor of Barbadoes for his assistance and had the six men of warr met with the usual dispatch they would have arrived at Plymouth Road in Montserratt a considerable time before they left that Island and when they were in confusion many of their men being ashoar and taken up with thoughts of their plunder. It proved to be the singular good fortune of the French that the great rain and tempestuousness of the weather hindered us from landing anywhere to windward which made our intelligence very slow and incertain; and the *Roebuck* being disabled in her masts as soon as ever we could get her in a posture of sailing, I embarked with the *Diamond*, *Roebuck*, *Scarborough* and the *Jolly* man of warr of 16 guns and some sloops with near 300 men on board, which I endeavoured to land (and would have gone ashoar alone to have incouraged the poor people if it had been possible) but by reason of the surges running so very high I found it altogether impracticable, tho' about 100 of the inhabitants came down from their last place of retreat, their dodand, to favour our landing; we were obliged to go very near the French fleet at anchor and by their hurry and unreadiness to sail we got all safely to windward and alarmed Guardaloupe (still heartily praying for a force to land and make reprizalls) and took some prisoners before we returned to Antegoa where the six men of warr arrived from Barbadoes July 20th, who after a consultation resolved not to attack the enemy if of equal force. The day following I sent a reinforcement of above 400 men soldiers, sailors and the islanders, on board their ships. The 22nd they sent to discover the enemy who they perceived had left Montserratt the same day in the evening after we had given them the alarm and in spite of all our intreatys and remonstrances the Captains of the men of warr from Barbadoes would neither consent to continue with us any time nor yet to attack the enemy tho of an inferiour force at anchor at Guardaloupe; Capt. Constable left us the 26th and Capt. Hamilton the 27th of July in very mean circumstances which has obliged us to take all

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imaginable care to put the Island in the best posture of defence that at present it is capable of. I have formed the sailors into a regiment and sent for 100 men from Montserratt and repaired our breastworks, trenches and all sorts of fortifications, but both the few soldiers and the militia are in great want of small arms. We are still in hourly apprehensions of being invaded by the enemy (the planters affairs and all trade being at a stand) and this day our spy-boates brings intelligence of their being in motion and some of them got under sail; we are as well provided for them as it lyes in our power to be, and the people seem very well resolved to make a vigorous defence, but if they fall to leeward and attack Nevis and St. Christophers they must of necessity overrun them in a little time. The desertion and absence of the Lt. Governor of Montserratt made it the easier for them to ravage and do so much prejudice to that poor island, where out of about 5000 negroes (besides the burning many of their houses and works) they lost about 1200. *Signed*, Walter Douglas. *Endorsed*, Recd. 29th, Read 31st Oct., 1712.  $2\frac{3}{4}$  pp. [*C.O.* 152, 9. No. 134; and 153, 11. pp. 30-34.]

Aug. 13. **39.** Governor Douglas to [? the *Earl of Dartmouth*]. *Repeats*  
Antegoa. *preceding*. [*C.O.* 152, 42. No. 87.]

[Aug. 14.] **40.** Order of King in Council, April 2, 1696, referring following petition to the Council of Trade and Plantations. *Signed*, Wm. Bridgeman. *Endorsed*, Recd. — 1696, Read Aug. 14, 1712.  $\frac{1}{2}$  p. *Enclosed*,

40. i. Petition of Charles Knights, Charles Whittell and Edward Broughton, of Jamaica. Sir James del Castillo and Don Francisco Porcio, subjects of the King of Spain and factors for the Assiento for importing negroes to the Spanish West Indies, contracted with petitioners for moneys advanced and negroes delivered at Porto Bello and Carthagena, and particularly Francis Porcio did agree to pay Charles Knights 38,280 peices of eight; to Charles Whittell £2150 13s. 9d., and to Edward Broughton £500 for negroes delivered. Sir James del Castillo contracted to pay Charles Knights 37,500 peices of eight for negroes delivered. Before the ships sailed from Carthagena these peices of eight were by some order from the Spanish Governor there on contrivance of Francisco Porcio taken out and detained. Porcio resides and is protected at Panama. *Appeal for H.M. orders for satisfaction to be made to them by him.*  
1 p.

40. ii.-iv. Copy of Don Francisco Portio's contracts to pay Knight, Whittell and Broughton *as in preceding*. *Signed*, Francis Portio. 3 pp.

40. v. Copy of Sir James del Castillo's contract *as in preceding*. *Signed*, Santiago del Castillo. 1 p. [*C.O.* 137, 9. Nos. 68, 68 i.-v.]



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Aug. 14.  
Whitehall.

**41.** Mr. Popple to Henry Lord Bishop of London. The Board is verry sorry to hear of your Lordship's indisposition, which has hindred them of the advantage of your Lordship's assistance this day. However they send you names of six persons recommended to them, and desire you to let them know whether your Lordship have any objection as to the principles of these men, that may disqualify them, for the place of Coun-cillors in New Jersey, *etc.* [*C.O.* 5, 995. *pp.* 161, 162.]

Aug. 14.  
London.

**42.** Micajah Perry to Mr. Popple. I have yours relating to Col. Douglas. I have only advice that there is severall gentlemen comeing over immediatly to whome I am to aply for a full state of all thing in the Islands, particularly one Mr. Bunnion, *etc.* *Signed*, Micajah Perry. *Endorsed*, Recd. 14th, Read 26th Aug., 1712.  $\frac{1}{4}$  p. [*C.O.* 152, 9. *No.* 127 ; and 153, 12. *p.* 4.]

Aug. 15.  
Whitehall.

**43.** Mr. Popple to Mr. Buckley. Order to print 1000 copies of the oath for the sufferers at Nevis *etc.* (*v.* Aug. 8). [*C.O.* 153, 12. *p.* 3.]

Aug. 15.  
Bermuda.

**44.** Lt. Governor Bennett to [*? the Earl of Dartmouth*]. *Repeats March 15.* Inclosed are two affidts. relateing to the designs of the French upon this country, which occasioned an embargo for two months, and I believe would have been put in execution, had not our men of war last winter had the good success to take their fleet of ammunition and provision shipes bound to Martinique, whereby it's concluded they were incapassitated to forward that intent. As for the consequences I fear will happen if these islands were in the hands of the French *etc.*, I refer to my letters of June 22, and Oct. 26, 1711 ; and doe pray consideration may be had on that part concerning makeing my company up 100 men, and if another company were ordered here it would doe well, verily believeing and concludeing the French have resolved to attempt this country. Also inclosed is a letter found (amongst many others) on board a French ship bound to Nantes of about 100 tuns, 8 guns and 20 men, taken on the 19th of July past near the west end of these Islands by a privateer fitted out here, to which letter (the cover whereon to whom directed being some way lost, but remember it to have been to a Secretary of State) I desire to refer your Lordp. for further information. The ship made prize came from Martinique on the 2nd of the last month in company with the seven French men of war mentioned in said letter, and 16 privateer vessells, haveing 1000 soldiers on board, which with the privateers, could on occasion land 3000 men. On the 6th about midnight they were off of Antigua designing to steal a landing, but being discovered and the sea running high, they in the morning stood away and went for Mounserat, and after being three days in sight of that Island landed (but what opposition was made I have not heard). The inhabitants retired to the Dodan, which I am told is a secure strong place, and provision sufficient for

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the people and their slaves for some months. By advice from Barbados I understand, that six men of war were gone from thence to Antigua to joyn four more, with intent to attack the French fleet at Mountseratt, *etc.* *Signed*, Ben. Bennett. *Endorsed*, R. Nov. 20. *Holograph*. 2 pp. *Enclosed*,

44. i. Deposition of William Bevell of Liverpool, mariner and James Brooke, mariner, St. Kitts, Aug. 9, 1712. *Duplicate of No. 33. ii. 1 p.*

44. ii. Deposition of John Shattock, mariner, Bermuda, April 21, 1712. A Frenchman at St. Thomas' informed deponent in March that the French intended to fit out a fleet at Martinique, Guardalupe and St. Domingo and to take Bermuda by surprize. *Signed*, John Shattock. 1 p.

44. iii. Deposition of William Cherittoe, Bermuda, Aug. 15, 1712. Deponent heard at Thomas' four or five weeks ago that the French were preparing at Martinique, 13 or 14 sail of privateer vessels, and 4 or 5 men of warr to take Bermuda. *Signed*, Wm. Cherittoe, his mark. *Copy*. 1 p. [*C.O.* 37, 28. Nos. 12, 12 i.-iii.]

Aug. 16.  
Barbados.

**45.** Governor Lowther to the Council of Trade and Plantations. *Refers* to letter of May 28; "since which I have not had the honour to receive any commands from you. The Council and Assembly have had a great dispute about the Excise Bill, I did all I could to accomodate the matter, but some here aim at nothing less than to make themselves an independent people, and to that end endeavour all they can to divest the administration here of all the Queen's power and authority and to lodge it in the Assembly, this project hath been a long time on foot and a great progress hath been made in it, for they have extorted so many powers from my predecessors, that there is now hardly enough left to keep the peace, much less to maintain the decent respect and regard that is due to the Queen's servant. I only now take the liberty to hint these thinges to your Lordships, but if you have a mind to be thoroughly satisfy'd of them, I shall upon the least intimation lay these matters very fully before you. I have already inform'd your Lordships of the reasons that prevail'd upon me to suspend Mr. Carter from practicing the Law; as also that I gave him to understand by Col. Barwick and some others that I would restore him, provided he would acknowledge his fault and make his submission, but he hath never yet thought fit to do it, but now intends as I am informed to apply to H.M. to take off his suspension. I shall only add, that if such incendiaries are countenanc'd and encourag'd, instead of being punished, it's then not improbable that such a tragedy may be acted here as was lately at Antegoa. I hope your Lordships will be satisfy'd upon perusing the Minutes of Council that I did all that laid in my power to prevent the enemy from invading any of H.M. Leeward Islands: I shall make no remarks at this time upon the conduct of any of the Commanders of H.M. ships, but intirely submit the matter to

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your Lordships, you having all the matters of fact before you (in the inclosed Minutes of Council). P.S. Mr. Barwick presented me the inclosed petition in relation to Mr. Skene since I had writ this letter : your Lordships will observe that he prays that I will represent the contentes home to England, that H.M. interest may no longer suffer by the said Skene," etc. *Signed*, Rob. Lowther. *Endorsed*, Recd. Nov. 13, 1712, Read July 17th, 1713. *Holograph*.  $1\frac{3}{4}$  pp. *Enclosed*,

45. i. Account of Stores of War, Barbados, June 2, 1712. *Signed*, Wm. Leslie. *Same endorsement*. 1 large p.

45. ii. Account of Christenings and Burials, Clergy and Schoolmasters in the several parishes of Barbados, June 22, 1711-1712. *Totals*:—Christenings, 449; Burials, 352; Schoolmasters, 46. *Same endorsement*. 1 p.

45. iii. Account of Negroes imported into Barbados June 22, 1711-1712. Separate traders, 492; Royal African Company, 161. *Same endorsement*.  $\frac{1}{2}$  p.

45. iv. Account of arms and ammunition in the several divisions of Barbados, Aug. 1st, 1712. *Same endorsement*. 1 p.

45. v. List of inhabitants of Barbados, by parishes. *Totals*:—Number of Plantations, 1309; White men, 3537; women, 3529; children, 5462; white men fit to bear arms, 3438; negro slaves, 41,970; horses, 2471. *Same endorsement*. 1 p.

45. vi. Account of prizes and seizures in the Court of Admiralty, Barbados, June 1711—July, 1712. 21 ships (17 French prizes, 1 Spanish). *Signed*, Stephen Alexander, Register Cur. Adm. *Same endorsement*. 2 pp.

45. vii. Copy of Deposition of Wm. Leslie, Keeper of the Stores, Sept. 6, 1712. Deponent was informed of an order from the Governor, July 16th, to Capt. Archibald Hamilton, H.M.S. *Woolwich*, for stores of war, which deponent waited to give him, but he sailed without ever sending for them, etc. *Same endorsement*. 1 p.

45. viii. Petition of Samuel Barwick to Governor Lowther. Alexander Skeene went off the Island contrary to law and unknown to petitioner owing him £129 1s. 8d. out of £329 1s. 8d. decreed by the Court of Exchequer in H.M. v. Skeene. *Prays* that the matter be represented home and Skeene obliged to give good security there for payment of the balance with costs. *Signed*, Saml. Barwick. *Same endorsement*. 1 p. [C.O. 28, 14. Nos. 2, 2 i.-viii.; and (without enclosures) 29, 13. pp. 53-57.]

Aug. 17.  
Lillingston-  
Dayrell.

46. Mr. Tucker to Erasmus Lewis. Asks for the post of Secretary or Ensign for his kinsman in Bermuda, etc. *Signed*, J. Tucker. 1 p. [C.O. 37, 28. No. 13.]

[Aug.] 17.  
Fulham.

47. Bishop of London to Mr. Popple. I do entirely approve of their Lordships' choice, etc. (i.e. of Councillors for New Jersey?) v. No. 41. *Signed*, H. London. *Endorsed*, Recd. 17th, Read



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26th Aug., 1712. *Addressed.*  $\frac{1}{2}$  p. [*C.O.* 5, 970. *No.* 162 ; and 5, 995. p. 163.]

[Aug. 18.] **48.** Copy of Mr. Skene's Patent as Secretary of Barbados, May 8, 1702. *Endorsed*, Recd. Read Aug. 18, 1712.  $2\frac{3}{4}$  pp. [*C.O.* 28, 13. *No.* 94.]

Aug. 21. **49.** The Earl of Dartmouth to the Council of Trade and  
Whitehall. Plantations. The Queen is very much surprised to find that several of her subjects have been lately sent hither in custody from the Plantations without any evidence of their crimes, which as it is a practice very injurious to the particular persons who fall under the misfortune, it is likewise very derogatory to the honour of H.M. Government ; I am therefore commanded to signify H.M. pleasure to you that the several Governours of her Colonys in America be ordered not to send any of her people hither as prisoners, without transmitting at the same time full proofs of their guilt. *Signed*, Dartmouth. *Endorsed*, Recd. 24th, Read 26th Augt., 1712. 1 p. [*C.O.* 137, 9. *No.* 69 ; and 138, 13. p. 397.]

Aug. 21. **50.** Circular letter from the Earl of Dartmouth to Governors  
Whitehall. Hunter, Dudley, Spotswood, Bennet, Lowther, Douglas, and the President of the Council of Maryland and the Commander in Chief at Newfoundland.

At the same time that I transmit to you H.M. Proclamation for observance of the truce she has thought fit to conclude with the French King, it is necessary I should acquaint you that it is not to take effect beyond the Line til six months to be computed from the 8th inst. It is hoped however that such a form of passes will soon be settled on both sides as may intirely remove that difficulty, and as the encouragement of commerce is the chief concern of the Plantacons you govern, I cannot doubt but you will take all imaginable care to see the cessation of hostilitys duely complied with. H.M. has likewise commanded me to signify her pleasure to you that none of her subjects be hereafter sent prisoners from the Plantations to Great Britain unless sufficient proof of their crimes is sent at the same time. *Signed*, Dartmouth. *Mem.* The foregoing letters and that to Lord A. Hamilton were carryed to the Admiralty on Aug. 22, to be sent by a frigate bound to New York. [*C.O.* 324, 32. pp. 166, 167.]

Aug. 21. **51.** The Earl of Dartmouth to Governor Lord A. Hamilton.  
Whitehall. Circular letter as above. *Concludes* :—I have receiv'd your Lordship's letter concerning David Creagh, whom I have put into the custody of a messenger, but he is forthwith to be bailed out, for want of affidavits or other legal evidence against him. *Signed*, Dartmouth. [*C.O.* 324, 32. p. 168.]

Aug. 23. **52.** John Roope to Mr. Popple. I have much to say for  
Barcelona. the benefit of the Newfoundland trade *etc.* on my return, *etc.*

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*Signed*, John Roope. *Endorsed*, Recd. Dec. 6th, Read Jan. 21, 1712 (13). *Addressed*. 1 p. [*C.O.* 194, 5. No. 19.]

Aug. 23. **53.** Deposition of Edwd. Chester, Senr. On Dec. 6th, 1710, the day before Governor Parke was killed, Thomas Kerby late Secretary of Antego did in deponent's presence endeavour to dissuade Capt. John Pigott who was killed the same day with the Generall, from making any attempt to apprehend the said Generall in order to send him off the Island, *etc.* *Copy*. [*C.O.* 324, 32. p. 170.]

Aug. 23. **54.** Deposition of Edward Byam. Thomas Kerby attended deponent and some other members of the Council of Antego who mett Dec. 7, 1710, in order to prepare and sign an address to Genll. Parke before the conflict arose, and did stay with the Council and take a copy of the said address with what else he was directed to during their meeting, which continued untill the inhabitants began to march towards Gen. Parke's house. Deponent has known Kerby for many years and hath observed him upon all occasions to be zealously affected to H.M. Government, respectful to Governors, and never suspected of being a contriver of the late insurrection, *etc.* *Copy*. [*C.O.* 324, 32. pp. 171-173.]

Aug. 23. **55.** Sir John St. Leger to Mr. Popple. *Encloses following*, Inner Temple. "transmitted to me by Mr. Douglas." All the public papers of the Leeward Islands were lost in the *Bristol* galley *etc.* (v. July 25). In the said packet soe lost, there was a state of the Leeward Islands directed to the Council of Trade, *etc.* *Signed*, John St. Leger. *Endorsed*, Recd. Aug. 24th, 1712, Read July 14, 1713. *Addressed*. 1 p. *Enclosed*,

55. i. Account of negroes imported to Antegoa, May 1, 1711-1712. *Total*, 1008 in 4 ships. *Signed*, Richd. Buck-eridge, Collr. *Endorsed as preceding*. 1 p.

55. ii.-vii. Account of powder and stores of war, Antigua, April 29, 1712. *Signed*, John Brett. *Same endorsement*. 8 pp.

55. viii. Proceedings in the Court of Chancery, Antigua, Jan. 14-June 2, 1712. *Same endorsement*. *Copy*. 18 pp.

55. ix. Proceedings of the Courts of Queen's Bench and Common Pleas, Antigua, 1712. *Same endorsement*. *Copy*. 41 pp.

55. x. Answer to several articles in Major Douglas' Instructions. (a) A complete digest of the laws in force through these Islands would prove a work of more trouble and charge in the present unsettled circumstances then could be speedily complied withall, and of the more difficulty in regarde it is uncertaine what acts are in force, disputes frequently ariseing thereupon as well in the Courts of Common Pleas as other wayes. I doe not conceive it possible to be done untill I can

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prevail to have the Acts supervised by a Committee of able and discreet persons and a law made to declare those that are in force. (b) (*No.* 54). Relating to Courts, establishments, they are all the most plainly mentioned in the Act of 1698, *for establishing of Courts, etc.* (c) (*No.* 55). The established tables of fees (*quoted*) are those of the Chief Justice, settled Jan. 20, 1701 (*v.* Minutes of Council); and of the Marshall and Secretary, settled Jan. 31, 1703 (*v.* Minutes of Council). (d) List of inhabitants of Antigua, 1711 (by divisions). *Totals*, families 758; women 794; children, 1131; men fitt to bear arms, 929; negroes 11,838. (e) Christenings and burials, Antigua, March 25, 1711–1712. Parish of St. Johns, baptised 42, buried 32; St. Peters, baptised 21, buried 13; St. Pauls, baptised 15, buried 1; St. Marys, baptised 5, buried 3. (f) Several accounts of stores of war have been lately transmitted *etc.* (g) Since the late Act of Courts has had such very happy results in encourageing all merchants *etc.*, it's humbly hoped it will receive their Lordships' approbation, and that the supplementary Act may be dissalowed. *Same endorsement.* 12 pp.

55. xi. Abstract of exports and imports, Antigua, May 1st–Aug. 1st, 1712. *Ships*, Great Britain 23, Plantations, 11. *Exports*;—*Brown Sugar*; Great Britain, 2142 hhds., 2849 tierces, 521 barrels, 1080 kilderkins; Plantations, 6 hhds., 12 tierces, 3 barrels, 68 kilderkins. *Cotton*, Great Britain, 377 bags, 805 pockets; Plantations, 6 bags, 26 pockets. *Lignum vita*, Great Britain, 1439 sticks, 18 tuns; Plantations, 94 sticks, 2 tuns. *Ginger*, Great Britain, 445 bags, 2 tierces. *Rum*, Plantations, 12 pipes, 56 hhds., 70 tierces, 18 barrels, 11 kilderkins. *Molosses*, Great Britain, 147 hhds. 81 tierces; Plantations, 473 hhds., 215 tierces, 4 barrels, 18 kilderkins.

*Imports* are said to be dry goods, liquors, provisions, wines, lumber, horses, candles, bricks, flower, train oyle, fish, and sheep. *Same endorsement.* 1 p.

55. xii. Duplicate (with some variations) of *No.* viii. [*C.O.* 152, 10. *Nos.* 1, 1 i.-xii.; and (*without enclosures*), 153, 12. pp. 87–93.]

Aug. 24.  
Dunkerque.

56. Brigadier-General Hill to the Earl of Dartmouth. I have received a letter from Mr. Vane, the Ingenier I appointed last year to the Garrison of Annapolis, concerning some unwarrantable practices of Col. Vetch, the present Governour of that Fort, of which letter I humbly conceived it for H.M. service to send you the inclosed copy. *Signed*, J. Hill. 1 p. *Enclosed.*

56. i. Extract of letter from Mr. Vane to Brigadier General Hill, Annapolis, May 5, 1712. *A repetition of the charges v. Col. Vetch.* v. C.S.P. 1711–12, *No.* 403. 1½ pp. [*C.O.* 217, 31. *Nos.* 8, 8 i.]



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Aug. 25.

Antegoa.

**57.** Governor Douglas to the Council of Trade and Plantations. When the French returned from Montserrat to Guardaloupe they had a man of warr of 40 guns, a brigantine and two sloops stranded. They continued there some time to divide their plunder (which was of very small value to them) and take care of their sick men, they afterwards sailed with eight large ships and six or seven sloops towards the windward of this Island and continued standing off and on untill the 17th inst., and we have been cantoned in little encampments untill the 24th inst. at which time the Act for encamping (not allowing Martial Law, nor the articles of warr to be in force) is expired, the Assembly taking upon them to intermeddle in several affairs where they can make out no priviledge nor precedent, yet the immediate defence of the Island obliges me to condescend to some compliances, especially where the safety of the Island requires labour and expence, for the very least idle and false report is like to shake their constancy tho' their all is at stake; and affairs must needs continue unsettled untill some of the chief promoters of the late rebellion have suffered condign punishment and some others of the most guilty and seditious corrected and restrained. It is almost incredible to believe how small a number of white men there are in the island (and in great want of good small arms) which besides the effects of their heats and divisions is very much occasioned by their neglect of having their due proportion of white servants to the number of slaves, and their possessing larger tracts of land than they are perfectly able to improve; I am very sensible of the unlucky accident which hindered the sending arms, accoutrements and cloaths for H.M. Regiment in these parts, there was about 20 arms taken up for them on the country's account and still 12 or 14 men are unprovided of the 150 serviceable men belonging to the six companys in this Island, the private men suffering extreemly by their being turned out of quarters by every caprice of the Assembly, and no subsistance being remitted from Great Britain. By a Flag of Truce which I sent with some prisoners and to gain some intelligence, to Martinique I find by publick and private advices that Monsieur du Guay is daily expected with 15 men of warr to attack Barbadoes and that Monsieur Cassaert still intends to try to destroy this and the other Leeward Islands and at present wee guess from our spy boats that he lyes in wait for the Fleet from Barbadoes of which reports I have sent advice to Barbadoes and to desire the Governor would again endeavour to get these six men of warr to our assistance and to joine our convoy of two men of warr to carry both the fleets from Barbadoes and these Islands with the greater safety. I am however in very good hopes these flourishing Colonys will never fall a prey to a barbarous French piraticall warr, and carried on by the charge of private persons, while we are in daily expectation to have the happy news of a general Peace from Europe, and that if there are but 100 men left in this Island the sovereignty and possession will never be lost to H.M. *etc.* P.S. Tho' Monsr. Phelypeaux seems to disown his giving assistance or

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encouragement to these robbing private expeditions, yet considering ye manifold inconveniencies (which I have humbly represented to your Lordships on another occasion) and vast charges the cartell with Martinique has cost these Islands, I proposed in Councill to break it, which was opposed by a majority upon our hopes of a speedy Peace. *Signed*, Walter Douglas. *Endorsed*, Recd. 29th, Read 31st Oct., 1712. 3 pp. *Enclosed*,

57. i. Copies of Major Douglas' Proclamations and Orders, upon the occasion of the French invasion of Montserrat, Aug. 1712. *Endorsed*, Recd. 29th Oct. 1712. 8 pp.

57. ii. Journal of Major Douglas' attempt to relieve Montserrat, July 17–Aug. 13, 1712. *v. supra*. *Endorsed as preceding*. 1 $\frac{3}{4}$  pp.

57. iii. Copy of Minutes of Council of Barbados relating to assistance to be sent to the Leeward Islands, July 14, 1712. *Same endorsement*. 4 pp.

57. iv. Correspondence between Governor Lowther and the Captains of the men of war at Barbados relating to assistance for the Leeward Islands. Aug. 24, 1712. *etc. Same endorsement*. *Copy*. 2 pp.

57. v. Letters to Major Douglas from A. Hamilton and Charles Constable, Captains of the Barbados men of war, July 17th and 20th, 1712. *Copy*. *Same endorsement*. 2 $\frac{1}{2}$  pp.

57. vi. Two Letters from the Governor and Council of the Leeward Islands to Capt. Constable, requesting him to stay for 15 days with the ships under his command, to protect the Leeward Islands, their preservation being of more importance than the delay of the trade he has to convoy from Barbados. (v. Oct. 10 etc.) *Copy*. *Same endorsement*. 2 $\frac{3}{4}$  pp.

57. vii. Edward Parson to Governor Douglas. Aug. 2, 1712. *Returns* thanks to H. E. for granting him the commission to be Commander in Chief of [*Montserrat*],—*Continues*:—though had rather much had been a commission to be Lt. Governor, because would entitle me to the Queen's pay. I have used all my endeavours hitherto to put our Island in a posture of defence, and mounted some great guns, some whereof are not spiked and those that are have given orders to be drilled and this day am mounting the guards through the Island. I am very sorry to hear that our Island has been misrepresented to your Excy. and that by our Commander in Chief Col. Daly, who ought to have blam'd his own conduct, than found fault with the courage of the men in generall of the Island *etc.* The Island in generall behaved themselves very well. Wee always annoyed the enemy in several parties, and whenever I had the honour to command myself or other officers; I did not find but a very willing forwardness. The enemy were so apprehensive of us, that wherever 300 men were capable of maintaining a pass against 3000, they never came but always surrounded us by taking distant passes and

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byways, which we could not fortify by reason had not men enough; which ways moreover we were the more unwilling to fortify, because we thought them unknown to the enemy, but found to the contrary, for our deserters headed their army and carried them through those unknown bypasses. Notwithstanding, when we were forc't to retreat to our last places of defence, we were so resolved to defend it to the last; that although the French General Cassaert would give us extraordinary articles of capitulation, we answered him we were resolved to maintain H.M. Colony to the last extremity, by which means a few men to the number of 400 have preserved the sovereignty of H.M. Island from a powerful enemy, *etc.* We want two sheets of lead and five barrills of powder, *etc.* P.S. If Capt. Marshall's company will be serviceable to you, your Excellency may remove them; for our people are unwilling to give them quarters, and men can't live upon the air. *Signed, Edward Parson. Same endorsement. Copy. 2 pp. [C.O. 152, 9. Nos. 135, 135 i.-vii.; and (without enclosures) 153, 12. pp. 35-40.]*

Aug. 25. **58.** Governor Douglas to [*? the Earl of Dartmouth.*] *Duplicate*  
Antegoa. *of preceding covering letter. [C.O. 152, 42. No. 88.]*

Aug. 26. **59.** Council of Trade and Plantations to the Earl of Dart-  
Whitehal. mouth. In obedience to H.M. commands of 21st instant, we  
shal immediately write to all the Governors of the Plantations  
(*v.* Aug. 27). *Autograph signatures. 1 p. Enclosed,*

59. i. Extract of letter from Governor Lord A. Hamilton,  
giving his reasons why the evidence against Mr. Creagh  
are not yet sent over, *etc.* [*C.O. 5, 4. Nos. 4, 4 i.;*  
*and (without enclosure) 138, 13. p. 398.]*

Aug. 26. **60.** Mr. Popple to Mr. Attorney General. The Council of  
Whitehal. Trade desire your opinion upon enclosed Act past in Virginia  
in 1711 *to enable John Custis and Frances his wife to sell a mill*  
*etc. entailed on the said Frances by the will of Daniel Parke, for*  
*payment of his debts, etc. Encloses memorial from Micajah*  
*Perry praying that it may be passed. [C.O. 5, 1363. p. 412;*  
*and 5, 1335. No. 175.]*

Aug. 27. **61.** Council of Trade and Plantations to the Queen. Recom-  
Whitehal. mend repeal of Act of Barbados *enabling the executors of Christo-*  
*pher Estwick, etc. (v. April 26.) [C.O. 29, 12. p. 437.]*

Aug. 27. **62.** Council of Trade and Plantations to Col. Lloyd, President  
Whitehal. of the Council of Maryland. H.M. is very much surpriz'd to  
find that several of her subjects have been lately sent hither in  
custody from the Plantations, without any evidence of their  
crimes, which as it is a practice very injurious to the particular



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persons who fall under the misfortune, it is likewise very derogatory to the honour of H.M. Government; and therefore we are commanded to signify H.M. pleasure that you do not upon any occasion send any of her subjects hither as prisoners, without good proof first made of the crime, and that proof transmitted along with the prisoner. [*C.O.* 5, 727. *pp.* 315, 316.]

Aug. 27.  
Whitehall.

**63.** *Similar letters to* Lt. Governor Spotswood; Governor Dudley; Governor Hunter; Governor Douglas; Governor Lowther; Governor Lord A. Hamilton; the Lords Proprietors of Carolina; and Lt. Governor Bennett. [*C.O.* 5, 1363. *p.* 413; and 5, 1335. *No.* 176; 5, 913. *p.* 379; 5, 1123. *p.* 59; 153, 12. *pp.* 7, 8; 29, 12. *p.* 438; 138, 13. *p.* 399; 5, 1292. *p.* 374; and 37, 8. *p.* 37.]

Aug. 27.  
Whitehall.

**64.** Council of Trade and Plantations to the Earl of Dartmouth. *Enclose* extract of Governor Hunter's letter of June 23, relating to the conspiracy of negroes at New York. We are of opinion that the Governor had good reason for his granting the reprieve, and humbly offer that H.M. be graciously pleased to grant a pardon to the negro and Spanish Indians. *Enclose* accounts of stores of war remaining and wanting in the Province of New York. We desire your Lordship will please to lay them before H.M., with our humble opinion, that H.M. be graciously pleased to direct, that a supply of the stores wanting there, be sent by the first opportunity, and the rather for that Col. Hunter informs us, that the war between North Carolina and the Tuscoruro Indians is like to embroil all the Continent, that the five Nations of New York Indians, by the instigation of the French, had threaten'd to joyn with the said Tuscoruro Indians. [*C.O.* 5, 1123. *pp.* 57, 58.]

Aug. 27.  
Whitehall.

**65.** Council of Trade and Plantations to the Queen. *Quote* Governor Hunter's complaints against Wm. Pinhorn, Daniel Cox, Peter Sonmans, and Wm. Hall. Several of the most considerable of the Proprietors of that Province having also attended us with complaints against them, praying that they may be removed, we humbly offer that your Majesty dismiss them from the Council of New Jersey, and that John Anderson, William Morris, John Hamilton, and John Reading, recommended to us both by the Governor and the Proprietors, be appointed members thereof. There being besides two vacancies in that Council, we humbly offer that your Majesty be pleas'd to constitute and appoint Elisha Parker, and Thomas Byerly members, they having been also recommended to us by the Governor and Proprietors. [*C.O.* 5, 995. *pp.* 163-166.]

Aug. 28.  
Whitehall.

**66.** Circular letter from the Earl of Dartmouth to the Governors of Plantations. In my letter of the 21st inst. I enclosed the Queen's Proclamation for observance of the truce H.M. had

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concluded with the most Christian King, by the fourth article whereof it is agreed that Spain should be included in that agreement; I am now therefore to repeat to you H.M. commands that you give strict orders throughout all places under your Government, and notify likewise to the Commanders of H.M. ships or privateers who happen to come into your ports, that all hostilities are to cease and the subjects of France and Spain not to be molested either in their persons or effects during the term the Treaty is in force, vizt. to the 21st Decr. next, but in regard it does not take place beyond the line till Feb. 21st, it is to enjoy its full effect in those parts till June 21st, 1713. I am farther to acquaint you that H.M. having thought fitt to grant her passes to severall French and Spanish ships, you are to take all imaginable care, as far as lies in you, that they be respected, H.M. not doubting but those which have been granted to her subjects by the Most Christian King, will be likewise duly observed. [C.O. 324, 32. pp. 173, 174.]

Aug. 28.  
Whitehall.

**67.** Mr. Popple to Coll. Cuninghame. *Acknowledges* letters of April 30 and July 2. *Continues* :—The Council of Trade and Plantations have laid your complaint before H.M., and will not omit anything that lys in their power for your releif. [C.O. 153, 12. p. 9.]

Aug. 29.  
Whitehal.

**68.** Lord Bolingbroke to the Council of Trade and Plantations. Mr. Prior being ordered by H.M. to continue some time at the Court of France, and having desired that Mr. Drift (*v.* Jan. 31) may attend him, I hope you will be pleased to dispence with his absence on this occasion. *Signed*, Bolingbroke. *Endorsed*, Recd. Aug. 30, 1712. 1 p. [C.O. 1388, 76. No. 137; and 389, 37. p. 50.]

Aug. 29.  
Barbado.

**69.** Governor Lowther to the Council of Trade and Plantations. I am extreemly sorry to acquaint your Lordships yt. Monsieur Cassert landed about 3500 men at Montsieurat on the 8th and 9th of July last, and did carry away about 1200 negroes besides coppers, stills and other valuable things; his force in shipping as I am informed consisted of one ship of 64 guns, one of 56, one of 54, two of 44, one 38, and one of 28. This great misfortune in my opinion is owing in all probability to the conduct of some of the Commanders of H.M. ships. But in regard those gentlemen do in some measure excuse themselves by endeavouring to asperse and misrepresent that part I have acted in the matter, I therefore hope your Lordships will suffer me to give you a full and faithfull narrative of what concerns me and of what hath come within my knowledge, *etc.* Ye fleet from London arriv'd in Carlisle Bay June 22nd, under convoy of the *Woolwich*, *Lime* and *Swallow*, and there were then in Carlisle Bay H.M.S. *Panther* and *Burlington*. But Mr. Constable and Clark, the Commanders of the said ships did not continue long in the road after the arrival of the London fleet, for instead of staying to protect the fleet, and of fitting

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themselves in order to convoy back the sd. fleet to London, they left the Island without haveing my orders or without giving me any notice of it, and did not return to Barbados till July 14th. On ye 13th of July last between the hours of 9 and 10 in the morning I received a letter by an express boat from the Generall of the Leward Islands, dated the 9th of July, wherein he informed me yt. Antegoa was alarm'd on the 4th of July last by the appearance of a great number of ships from Guardeloope standing for Antegoa, and therefore desired that I would dispatch H.M. ships yt. were here to his assistance. This letter is entered at large in the Minutes of Council herewith sent. Upon the receipt of this letter, I immediatly sent for Capt. Hamilton, Commander of H.M.S. the *Woolwich*, and communicated to him the said letter, and then gave him orders to gett his own ship, as also those under his command in readiness forthwith, and to make the best of his way to the Island of Antegoa for the releif of that, and the rest of the Leward Islands. I also issued a warrant for the takeing up all deserters, and stragling sailors, to be put on board H.M. ships. I likewise laid an embargo upon all mercht. ships and other vessells. On the 14th of July last Capt. Constable and Clark arriv'd in Carlisle Bay with H.M.S. the *Panther* and *Burlington*, and about 10 a'clock in the morning Mr. Constable sent me a letter dated the 14th of July, wherein he informed me yt. on the 2nd of July last, he saw off of Guardeloope 10 ships, and that the *Burlington* and he chased them till they found yt. five of them were larger than themselves, and yt. then the French ships chased for about two hours, and yt. when they left them they saw four more, which the others went in order to joyne; he adds yt. on Sunday following a ship came directly towards him, wch. he chased for some time, and then left off; but the boat happened to break from the stern of that ship wch. he chased, and ye two persons yt. were in it informed him, yt. the ship they belonged to was the *Valuer* of 44 guns, as also yt. ye ships he had seen were seaven of them men of war, from 56 to 76 guns. This letter is incerted at large in the Minutes of Council, I therefore beg leave to refer yr. Lordships to it. Mr. Hamilton was as yet in the road. I therefore immediatly communicated the said letter to him, and desired him to hold a Council of war with the Commanders of H.M. ships upon the advice I had received from General Douglas, and the letter I reced. from Mr. Constable, and to signe their opinions, and to attend me in Council at four a clock in the afternoon being the 14th of July. I also upon the receipt of ye said letter from Mr. Constable caused an alarm to be put about; I also directed the Council to meet me at 4 a clock in ye afternoon of the same day, and ordered all the Masters of mercht. men to attend me at the same time. There was not a quorum of the Council till it was five a clock, but the Capts. of H.M. ships came to my house about four a clock the said afternoon, and Mr. Hamilton delivered me the opinion of the Councill of war, to wch. I refer, it being entered in the Minutes of Councill: before the Councill sat I had some conversation with the Commanders of H.M. ships concerning ye strength of



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the enemy, and abt. their going down to the relief of the Leeward Islands : upon wch. some Gentlemen very much magnified the enemy's strength, and talked much of the largeness of their ships, and of their being double mann'd : whereupon I told them that when they six were joyned with the four men of war yt. were at Antegoa, they would be strong enough to encounter the enemy ; upon this Capt. Elford asked me if I knew what a seaventy gun ship was, and further said yt. he must tell me yt. one seaventy gun ship was better than two fifty gun ships. Upon this I asked him his reason for asking me that question, to wch. he answered because I had never been much at sea, to this I only replied yt. tho' a man had never been much at sea, yet he might easily know what a 70 gun ship was, whereupon he answered in a very disdainfull manner, yt. he knew what he said, for he was only talking to the Governor of Barbados ; as he was proceeding in this kind of rude discourse yt. was nothing to the purpose, I bid him hold his tongue, and some smal time after I went into another room to discourse with some gentlemen I had sent for : whereupon Capt. Constable, Clarke and Elford went their ways without takeing any further notice of me, or staying to consult with the Councill and myself upon the relief of the Leward Islands. A quorum of the Council met according to summons abt. 5 a clock in the afternoon, and after I had acquainted them with the cause of their being summoned, I laid before them Generall Douglas's letter, Mr. Constable's letter, as likewise the opinion of the Council of war, *etc.* I also laid before the Council a letter I received from Generall Douglas at 4 a clock this afternoon (by a second advice boat) dated July 9th, 1712. Hereupon it was the unanimous opinion of the board yt. all H.M. ships now in Carlisle Bay should forthwith go down to the relief of the Leeward Islands ; after the Board had come to this resolution the Captains were desired to come into the Council Chamber, but none appeared but Capt. Hamilton, Gunman and Drake. I acquainted them with the Board's opinion, and then Mr. Hamilton laid before the Board a letter he had received from Mr. Constable dated July 14, 1712, wch. was read, and ordered to be entred in the Minutes of Council, after wch. Mr. Hamilton, Gunman, and Drake declared yt. it was their opinion if the six men of war here should joyne those at Antegoa with the addition of 400 seamen, they might divert the enemy, if not do better service ; but that their three ships alone could not possibly do any good, but would be made a sacrifice : after this declaration they withdrew, and then I ordered all the masters of the mercht. men to be called in, and I informed them of the French's attacking Montsieurat, and wt. danger H.M. Leward Islands were in, and yt. it was the opinion of the Board, yt. all H.M. ships now in Carlisle Bay should go to the relief of the Leward Islands, and I desired yt. they would lend the said men of warr 400 seamen out of the 632 yt. were on board their ships ; but most of them refused to lend any of their men ; only Mr. Gill, commander of the *John* galley, and Capt. John Wilkinson, commander of the ship *Sea-nymph* offered to lend their ships for the service. When the Captains of the

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mercht. men were withdrawn, I told the Council I would go down in person to the assistance of ye Leward Islands, if I could gett a sufficient number of the gentlemen and inhabitants of this Island to attend me, and for that end I had caused an alarm to be put about the sooner to know the inclinations of the people touching this proposition, after this I ordered the several aide-de-campes to be called in, and ordered them to repair forthwith to the severall forts where the forces were mett, and to acquaint them yt. H.M. Leward Islands were attacked by the French, and yt. unless they had speedy releif, they would be utterly ruined, and that therefore I would go in person agt. the enemy provided I could get a sufficient number of the gentlemen and other inhabitants of this Island to go with me, and yt. for this reason I had ordered an alarm to be put about this day, in order to communicate this matter to them, and to require their assistance, and yt. if any of them were inclinable to attend me, I should take it as a great favour, and that they must be ready by twelve a clock to-morrow in the forenoon at Needham's Fort, in order to embarque on board the six men of war in this road, and the two mercht. ships; after the several aide-de-campes were charged with these orders Capt. Hamilton was called into the Council Chamber, and I communicated to him my intentions of going to the Leward Islands, and acquainted him with the orders I had given the aid-de-campes, whereupon he told me he had no room to accomodate any such persons, for yt. his ship was very much pestered; I was therefore (upon this and the reluctancy the other Commanders of H.M. ships had shewen) obliged to recall the orders I had given the aid-de-campes and to content myself at that time with directing the Provost-Marshal to go early the next morning on board the severall mercht. ships and vessells and to desire the severall commanders thereof to give him in a list of what men they could spare, yt. he might carry the same to Capt. Hamilton to make a distribucon thereof on board the severall men of war; I likewise sent my Secretary Mr. Upton upon the same errand, and gave out warrts. to take up all stragling seamen; I also laid another embargo upon shipping. This was ye utmost I could possibly do, since I had no power to press seamen out of the mercht. ships; therefore on July 15th at 12 a clock at noon, I sent my Secretary with orders to Capt. Hamilton to gett his own ship, and all H.M. ships of war then rideing at anchor in Carlisle Bay forthwith in readiness to saile, and to proceed with all speed to ye Island of Antegoa, and there to joyne with H.M. ships of war attending yt. Govermt., and to do all they could to protect those Islands and destroy the enemy, and yt. after he apprehended those Islands were out of danger, then to return to Carlisle Bay and to lay before me a journall of his proceedings; I likewise directed him to give Capt. Constable a copy of those orders (entered in Minutes of Council). After Mr. Hamilton had received these orders, he putt on an air of alacrity of going to the assistance of the Leward Islands, but at the same time pretended he could not tell what measures to take till he knew whether I could supply H.M. ships with 400

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seamen, hereby he would not only have suggested yt. he was ignorant of wt. power I had, but also of the endeavours I had used to procure the said men ; as to the first of these I informed him but the Sunday before yt. I had no power to press seamen out of the merchants' ships, as to the other part my actions were so publick yt. none in the Island was ignorant of them, another pertence of delay was that he wanted powder, arms and ammunition, but did not inform me wt. quantity he wanted. In answer to this I gave him to understand yt. he should be forthwith supplied with any stores he wanted so soon as I knew what quantity of each species he stood in need of, upon this he made a demand of fusees, swords, powder, smal shot etc. and I immediately gave Col. Lasley the store-keeper an order to supply him with the said arms, and stores. Col. Lasley immediately got the same ready, and sent Mr. Hamilton word thereof who returned answer yt. he would forthwith come and fetch them, but instead thereof caused him to waite a whole day, and made him beleive to the very last that he would have them (*deposition enclosed*). On the 17th of July the *Panther*, *Burlington*, *Experiment*, *Woolwich*, *Swallow* and *Lyme* took their departure from hence and came to an anchor off of St. Johns Harbour on the 20th July in the evening. On the 19th of July the enemy left Montsieurat, and went all to an anchor at Guardeloope. I now beg leave to remark that after the London fleet arrived in Carlisle Bay, it was no longer under the care of Mr. Hamilton, who brought it hither ; but committed to the care and protection of Mr. Constable, who was to reconvoy it to London, and yt. he ought not to have exposed the fleet to the least hazard, or insults of an enemy, by leaving it, nor have run the risque of disabling the Queen's ships by ill weather, or any other accident, or of putting them in any danger of being taken by the enemy, without the Queen's service did absolutely require it. Now tho' no misfortune befell the fleet during the absence of Mr. Constable, and Clerk, and tho' they met with no storms or ill weather to disable the Queen's ships and tho' they had extraordinary good fortune to escape being taken by the enemy yet the misfortune yt. befell Montsieurat had been prevented if Mr. Constable and Clark had continued with the fleet at Barbados and had lost no time in fitting themselves with all necessaries for their voiage to great Brittain according to the instructions they received from the Lords of the Admiralty, for then all the six men of war might have gone from hence on the 13th of July, but they did not go till the 17th, by reason neither Mr. Constable, Clark or Elford were ready and therefore those pertences were made use of to delay ye time yt. I have already related, whereas if they had gone from hence the 13th, they had prevented in all probablyty the misfortune that hath befell that unhappy Island, because the French did not go from Montsieurat till the 19th of July. How Mr. Constable and Hamilton behaved when they ariv'd, and continued at Antegoa, I beg leave to refer yr. Lordships to the accounts wch. Generall Douglas, and the other gentlemen there will give you : But I think it incumbent upon me to inform your



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Lordships, that Capt. Constable, Clark and Elford with H.M. ships under their commands, arrived here in Carlisle Bay the 3rd of Aug. last from Antegoa and yt. Mr. Constable writ me a letter dated Aug. 3rd, and ye chief reason he gave me for leaving Antegoa was yt. the Queen's ships he left there were capable to prevent any further designs the enemy might have upon the Leeward Islands : after I had read this letter (*entered in Minutes of Council*) I commanded one of my serts. to bid the person who brought it to acquaint Mr. Constable, that I should be glad to see him in order to discourse him upon the subject matter of his letter, but Mr. Constable did not think fitt to come to me or to take any further notice of it. On Aug. 7th, Capt. Hamilton, Gunman and Drake with H.M. ships under their commands did also arrive in Carlisle Bay from Antegoa, and on ye 8th Mr. Hamilton paid me a visit and informed me amongst other things yt. ye reason why he left Antegoa was because the enemy were so superior to him, and ye rest of H.M. ships Mr. Constable had left at Antegoa, that they could neither encounter them nor prevent any attempt the enemy might make upon any of H.M. Leward Islands, being the enemy consisted of one ship of 64 guns, one of 56, one of 54, two of 44, one of 38 and one of 28. Mr. Slingsby, H.M. Attorney Generall and Mr. Upton were with me when Mr. Hamilton gave me this and some other informations, and they have given their depositions of it, wch. are also entered at large in the Councill Books, *etc.* So soon as Mr. Hamilton had left me I writt a letter to Mr. Constable dated Aug. 8, and did not only inform him of the reasons Mr. Hamilton had given me for his leaving of Antegoa, but did represent the danger H.M. Leward Islands were in, and did also tell him, that if Mr. Hamilton's information were true, yt. then nothing could prevent the loss and ruin of the Leward Islands, but a conjunction of all H.M. ships both here and at Antegoa, and yt. therefore I thought it absolutely necessary for H.M. service, and the preservation of those Islands, yt. all H.M. ships here should forthwith joyne those at Antegoa, and yt. after they were so united yt. they should continue together till the storm wch. so much threatned H.M. subjects was blown over. Mr. Upton delivered this letter to Mr. Constable on Aug. 8th, and I desired him to return an answer by him, but he bid the said Upton tell me yt. he would neither answer my letter nor would he go to the Leward Islands (letter and depositions entered in the Councill Books). Besides this, Mr. Hamilton informed me yt. there was a report yt. Monsieur de Guy was arrived from France at Martinique with five ships of war, and yt. they had some land forces on board ; I therefore thought it absolutely necessary after Mr. Constable had refused to joyne H.M. ships at Leward to give Mr. Hamilton orders to cruise abt. this Island with the ships under his command to prevent any sudden surprise of this Island ; these orders are dated Aug. 9th, and are entered at large in the Council Books, and Mr. Upton delivered these orders to Mr. Hamilton ; upon wch. he told ye said Upton yt. he had as good a Governmt. as I had, and yt. he would not

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change with me, and as to those orders he did not look upon them as any orders at all, and would take no notice of them. Mr. Upton delivering me this message from Mr. Hamilton, and finding yt. no assistance was to be expected from the ships of war, I thought it absolutely necessary for the defence and security of this Island, to bring down some of the Militia to guard the severall forts, and batterys of this Island, and on the 13th of Aug. I required the Council to give me their opinion, whether it was not adviseable, considering the present posture of affairs (and yt. ye mattrosses did not do their dutys at the severall forts and batterys as they ought to do) yt. ye Militia should be continued to guard ye same, till we should receive some intelligence of the enemy's designs and what was become of them. Whereupon Mr. Pilgrim, Hallet, Frere, Barwick, and Maxwell were of opinion yt. ye Militia should be continued; but Mr. Walker, Alleyne, Beresford and Salter, were of a contrary opinion, notwithstanding wch. I gave orders for the Militia to continue. On the 21st Aug. about 11 a'clock at night I received a letter (*entered in Council Book*) by an express from ye General of the Leward Islands, dated 13th Aug., wherein he informed me yt. on the 12th and 13th Aug. their spy-boats had discovered the motions of the enemy, and from thence he did conclude yt. the enemy would attack them very suddenly, if not within the space of six hours, and therefore desired yt. I would send all H.M. ships here to his assistance. I immediately dispatched one William Tonnall a servt. of mine to Mr. Upton my Secretary with orders to waite upon Mr. Hamilton, and to acquaint him with the advice I had received from Generall Douglass, and to desire him to attend me immediately upon it at my house; but the said Hamilton sent me word by Mr. Upton yt. he would not come yt. night, but yt. he would in the morning, and yt. his ship, and the others under his command were ready, and yt. he had no excuse but could sail about eight or nine a clock in the morning; he said a good deal more as appears by Mr. Tonnall's deposition entered in ye Minutes of Council. On Aug. 22 between 7 and 8 a clock in ye morning I ordered Mr. Grace the Provost Marshall to go to Capt. Hamilton and Capt. Constable, and to acquaint them yt. I had received last night an express from General Douglas, yt. he was in dayly apprehensions of being attacqued by a very considerable French force, and intreated the assistance of all H.M. ships here, and yt. therefore I desired them to meet me in Councill with the Capts. under their commands at 12 a clock, to consult wt. was proper to be done for H.M. service, and ye protection of the Leward Islands, Mr. Hamilton bid the said Grace tell me yt. he would waite upon me if he could get convenience by coach, or horses for himself, and ye Captains under his command. But Mr. Constable bid the said Grace tell me yt. ye last time he with the Capts. under his command attended me on the like occasion, I used them so ill, yt. they thought they had no further business with me, and further yt. he was preparing every thing to go to England with the Fleet, who ought to have sailed this day; but upon the petition of severall merchants and ye masters

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of ships yt. he would stay four days longer, he had granted their petition for two days, and yt. on Sunday he would accordingly sail; the ill usage yt. Mr. Constable hints at was my bidding Mr. Elford hold his tongue; but haveing already faithfully recited yt. matter I shall not here trouble yr. Lordships with a repetition of it. I summoned the Council to meet on the 22nd of Augt. at 12 a clock in the morning, and a little after 12 I sent ye Provost Marshall to the Council Chamber to see whether there was a quorum of the Council, and ye said Provost Marshal brought me word yt. there was not, but yt. Mr. Hamilton and the two Capts. under his command had been there, and ordered him to acquaint me yt. they would go to dinner, and return again abt. three a clock; abt. half an hour after two a quorum of the gentlemen of the Council mett, and I communicated to them Generall Douglas's letter, and examined upon oath Capt. John Green, Commander of the sloop *William*, and William Vanhurst, lately Commander of the sloop *Rochell*, what they knew concerning the enemy's strength, and of their designs (entered in the Council Book). The Board and I were unanimously of opinion yt. it was highly necessary for H.M. service, and the preservation of the Leward Islands, yt. all the men of war here should forthwith joyne those at Antegoa: after this I read to the Board some paragraphs out of Capt. Hamilton's letter of Aug. 13th, and then made some remarks upon them, all wch. is entered in the Council Books. About 5 a clock in the afternoon Mr. Hamilton, Constable and all the other Capts. came to the House where the Council and I were sitting; but we being then very busy they were not immediately called in, but so soon as the said business was over, I enquired where the said Capts. were, and John Newland and Pat. Beacham deposed yt. they staid abt. 12 minutes, and then went away damning the Council and me. *Refers to their depositions.* About two hours after Mr. Hamilton and Constable had left the House where the Council and I were sitting they sent the Council, and me a letter, Aug. 22, wch. is entered in the Council Books, wherein they sett forth yt. they and the other Commanders of H.M. ships upon my request by the Provost Marshall readily repaired to the Council Chamber at the hour appointed, and after staying a hour they at last saw the Provost Marshall, and desired him to acquaint me yt. they had stayed there so long in vain; but that they would be at Council between the hours of 3 and 4 in the afternoon, and they assert yt. they came up again between the hours of 3 and 4 in the afternoon, and staid there half an hour, without so much as gentlemanlike usage, and therefore they thought themselves in honour obliged to resent it by returning to their dutys. In the first place I crave leave to take notice, yt. neither Mr. Constable, Clark, nor Elford were with Mr. Hamilton, Gunman and Drake at the House where the Council meets at 12 a clock, as they assert, nor did any of those three gent. at that time speak with the Provost Marshall as Mr. Constable alleadges. It is true I summoned the Council to meet at 12 a clock, and yt. they did not meet before half an hour after two, but that is not to be wondered at considering



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the great distance yt. some of them lives at, and the shortnes of the notice they had, weh. was however the soonest yt. could be given them upon that occasion, for I summoned them upon an express I had received from Generall Douglas on 21st Aug. between 10 and 11 at night, and the summons ran to meet me at twelve a clock at noon the next day, and this I did because the matter was of great importance, and required dispatch: as to Mr. Constable's and Hamilton's asserting yt. they stayed near half a hour, I was informed in Council (as appears by the Minutes) yt. they only staid 12 minutes. Mr. Hamilton in his letter of Aug. 13th, haveing desired a copy of what was then entered in the Council Books in relation to him, I not only ordered yt. he should have a copy of those Minutes, but that the Clerk of the Councill should forthwith (after the Council was adjourned) waite on Capt. Hamilton, and Constable, and read to them the Minutes of Aug. 22, as also the letters, and advices I had received from the Generall of the Leeward Islands, a little while after the Councill broke up, I sent Mr. Hamilton orders dated Aug. 22 at nine a clock at night, to gett his own ship, and all H.M. ships then rideing at anchor in Carlisle Bay forthwith in readiness, and immediately to saile to Antegoa, and if possible to joyne with H.M. ships there, and to do all he could to protect the Leward Islands and destroy the enemy, and to return to Carlisle Bay so soon as he apprehended those Islands were out of danger. On Aug. 23, the Councill mett again, and Mr. Barron informed us yt. he had waited on Mr. Hamilton and Constable and read to them the Minutes of Councill of Aug. 22, *etc.* and deposed that Mr. Hamilton said yt. if he had me on board he would keele haul me, and that he called me a son of a whore, rascall, villain, and rogue (deposition enclosed). I was advised by several to resent this barbarous and vile usage in the manner it deserved, and to have immediately taken up Mr. Hamilton for it, but I did not think fitt at that time to follow their advice, least the Capts. of the Queen's ships (who had already shewed too great a reluctancy and had made soe many frivolous delays in going to the assistance of H.M. distressed subjects,) should even make that a per-tence of not going to the relief of the Leward Islands, weh. were then in such eminent danger. On Aug. 24, Mr. William Walker, and Major Cogan delivered me a letter abt. 2 a clock in the afternoon signed by the Commanders of H.M. ships here; wherein they sett forth yt. they had come to an unanimous resolution to proceed to Leward, to gain further intelligence of the enemy's motions; but that they wanted ten barrells of powder, and near 300 effective men to proceed on that service; they also desired two sloops to gain intelligence yt. they might not sepearate their present strength, for yt. the enemy was too strong for them till they were joyned with the ships to Leward, and then add yt. nothing would contribute more to H.M. service, than my coming to a speedy resolution to exert my power in granting their request, hereby they would excuse their not going to the assistance of the Leward Islands, on ye 22nd Augt. in pursuance of the orders I had given them, by suggesting that they wanted

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300 effective men, and two sloops, and yt. it was in my power to supply them with the said men and sloops : whereas they very well knew yt. it was no more in my power to press men out of the mercht. ships than it was to take away the ships from the owners, nor yt. it was in my power to supply them with two sloops. I immediately returned them an answer, and sent it by the person yt. brought me theirs, wherein I told them amongst other things yt. I did admire they had been so long in coming to a resolution of goeing to the assistance of the Leeward Islands, especially after they had received my orders, as also yt. they did not acquaint me before, yt. they wanted men, for yt. if they had, all proper means would have been used to have got them, but as they had delayed the matter so long without any justifiable reason yt. I saw, and had then asked wt. was impossible for me to comply with on a sudden, they ought to go in the condition they were in, and not to loose any more time upon any pretence wt. ever, being the Leeward Islands were in such eminent danger. Their letter and my answer thereto are entered in the Minutes of Council. After I had writt this letter, I immediately ordered the store-keeper to supply them with 10 barrells of powder, and sent a warrt. to take up all deserters and stragling seamen. On Aug. 25th one John Airey a servt. of mine met Capt. Hamilton in the Bridge Town, in the morning, and Mr. Hamilton asked him if he had any commands from me to him, ye said Airey replied yt. he had not ; whereupon Mr. Hamilton bid him tell me, yt. I was a French bastard, and yt. he did not think I would have given him so much trouble agt. the French ; I likewise took no notice of this abuse least it should impeded the Queen's service, and be made a pertence by the other Commanders of the Queen's ships for not goeing to ye assistance of the Leeward Islands. On Aug. 26th last between the hours of ten, and eleaven in the morning, Mr. Arthur Upton delivered me paper sealed up under a cover, and directed to me in the form of a letter, and at the same time informed me yt. his wife gave him the said letter, and yt. Mr. William Gordon, Minister of St. Georges, delivered it to her abt. seaven or eight a clock on Monday night last, and acquainted her yt. ye Cpts. of the men of war would stay half an hour for an answer ; I cannot but observe yt. if the said letter had been delivered to me at the same time Mr. Gordon gave it to Mr. Upton's wife, yet it had been impossible to have sent an answer to it, in so short a time as half an hour, being my residence is a mile from the harbour, and the ships were then under sail ; Mr. Upton was examined in relation to this matter in Councill upon oath, as your Lordships will see by the Minutes. Upon breaking open the seal, I found under the cover a paper intituled A remonstrance of the severall Commanders of H.M. ships whose names are hereunto subscribed. The time, circumstance, and manner of sending it, and ye stile in wch. it is writ, are so very extraordinary, considering all the affronts and abuses they had before given me, yt. I shall humbly leave it to yr. Lordships to make what observations thereon you think fitt. But as to the severall facts yt. are there laid down, and the severall unjust

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reflections they make, I shall endeavour to give your Lordships full satisfaction. They first suggest yt. I obstructed and delayed their going to the assistance of the Leward Islands, and then by artfull insinuations laid the blame upon them, and in order to excuse their own conduct, and to make out those suggestions, and to fix the fault of their delay in not going immediately to the assistance of H.M. distressed subjects to Leward, they first represent that they attended at ye Council house on Aug. 22nd last at 12 a clock according to the message I sent them by Mr. Grace, the Provost Marshall; but yt. neither I nor any of the Councill being there, Mr. Hamilton bid ye said Grace tell me yt. they would return again abt. three a clock, and yt. in the afternoon they came to the Councill House; in a quarter of an hours time they sent up two messages waiteing all the while amongst the footmen, but did not receive any answer, and therefore they returned to town, and sent a very civill letter to lett me know the cause of their comeing away to wch. as my usuall manner was I did not return any answer. As to this part of their remonstrance, it is admitted yt. Mr. Hamilton, Gunman and Drake, did attend at the Council House at 12 a clock, and yt. Mr. Hamilton bid Mr. Grace inform me yt. he and those two gentlemen would be there again at three. But neither Mr. Constable, Clark nor Elford were there with Mr. Hamilton and the other gentlemen as is suggested in their remonstrance; it is true the Councill did not meet at 12 a clock according to the summons I sent them *etc. as supra*. As to their suggesting yt. they waited amongst the footmen and servts., to this I can say nothing; but if they did, it was their own fault, because there were two very good rooms in either of wch. they might have been as private as they pleased; as to the civill letter they mention, it is entered in the Council Books, and your Lordships will find it is directed to ye Council as well as me; however after it was read at the Board, I ordered Coll. Barwick yt. is one of the Council, to return an answer to it, wch. accordingly he did, and Mr. Grace the Provost Marshall delivered it to the said Gentlemen, as appears by his deposition. The Gentlemen in their remonstrance further sett forth yt. one Mr. Barron who executes the office of Secretary told them, yt. he was sent by me to them to read the minutes of yt. days proceeding, wch. he did in the hearing of severall gentlemen of the Island, and merchts. in town; they add yt. they are amazed at ye unparralleld insolence, of the treatment that I should averr facts in the minutes wch. they can so notoriously disprove, and should pick out that time, to send for them to Councill, to charge them with crimes to their faces yt. they were never guilty of, to rip up old differences, and stories invidiously contrived to excite their resentments agt. me, and to sett them at variance one agt. another, and then to send my Secretary into publick company to expose and insult them with reading them openly, thereby to surprise them into some extravagant passion, and resentmts., and then to gett my officers to inform and give depositions. This representation I hope to make to appear to your Lordships to be very dishonourable



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and unjust. It is very true Mr. Barron was ordered to waite upon Capt. Hamilton, and Constable forthwith after the Council was adjourned, and to read to them yt. day's minutes, as also the letter and advices I had received from General Douglas; this order was partly occasioned by their not staying to be called into Councill; but chiefly from Mr. Hamilton's complaining in his letter of Aug. 13 that I had caused a narrative of letters, orders and messages wch. had passed between him and me to be entered in the Councill Books, and yt. in such an unfair manner yt. he found himself under a necessity to ask a copy of what had been entered, and therefore to anticipate all extravagant and unreasonable murmurings and complaints of this kind, Mr. Barron was sent to read the Minutes of Council to Mr. Hamilton, and Constable without any of those ridiculous views, as is disingeniously and absurdly suggested; but I hope yr. Lordships will believe yt. it was high time to make them sensible (by all just means) of their delitoriness, and ill conduct when so many of the lives and fortunes of H.M. subjects depended in all probability upon their expedition, courage and prudence; as to Mr. Barron's reading the minutes to them in publick company, it was both without my order and knowledge, and they have nobody to blame for it but themselves; for if they had desired to have them in private none can doubt but he must and would have attended them; As to the reflections they make of being informed agt. by my officers, yr. Lordships will be so farr from thinking that a fault, or the least imputation upon those persons, yt. you will judge it a matter both of duty, and merit, especially since the persons they informed against reposed no trust or secrecy in them. As to the facts I have charged them with I do not only take upon me to aver yt. they are all true; but in some measure do appeal to their own Journalls concerning the veracity thereof, and in others to their letters and my answers thereto, in others to the Minutes of Councill, and to the severall informations and depositions of credible persons yt. are entered in the Minutes of Councill: I will be bold to say yt. there's no fact I have charged them with but what will thus be made appear, save only the interlocutory discourse I have related on the 14th July, when there was nobody with us, and it's so faithfully related yt. I cannot think they can possibly deny it. They say in their remonstrance yt. it was a happy thing they came away from the Councill, for had they staid to have heard those minutes read, they do not know what length of passion might have hurried some of them. I take upon me to assure yr. Lordships yt. there's none yt. sits at Board yt. either is, or would have been deterred (by any airs they could have given themselves) either from not doing their duty, or representing the truth. However, I humbly leave it to your Lordships to consider, the height, the quality and consequence of such a menacing, and do not doubt but your Lordships will so represent it to H.M. as to prevent the like for the future. They further say in their remonstrance yt. they were in hopes to have found in the minutes some resolutions relateing to the relief of the Leward Islands, as also mine

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and the Council's opinion wt. were the properest measures to take, what assistance the Island would give, that the Assembly would have been suffered to sitt to raise money to hire men and sloops for intelligence, wch. they are informed they are ready to do, if I would give them leave to sitt, but instead of all this they had nothing read to them but calunnies, accusations, and scandalous reflections ; they add that this procedure is so very surprizeing, yt. they cannot forbear again exclaiming with a just indignation. As to their suggesting that we came to no resolutions in relation to the relief of the Leward Islands ; I do aver the contrary and do appeal to the Minutes, wch. they own Mr. Barron read to them ; your Lordships will see that both the Councill and I were of opinion yt. all H.M. ships here should forthwith go to their assistance. This was with submission the best resolution we could come to in the present posture of affairs ; for General Douglass in his letter to me of Aug. 13th said, yt. he expected yt. the enemy would attack him in six hours, and Capt. John Green who brought the said letter deposed amongst other things, yt. a little after he left Antegoa, he heard the alarm gun fired from Monk's Hill, where the chief fortification of Antegoa is, by wch. he believed yt. the French were then in sight of the said Island, we therefore not only thought it expedient beyond all other things yt. H.M. ships here should go to the relief of Antegoa ; but that they should proceed thither with all imaginable expedition, yt. they might not only come in time to save Antegoa, but to prevent in some measure the damage H.M. subjects might otherwise have sustained : we made no doubt but that the six men of war (tho not joyned with those at Antegoa) were of sufficient strength to give a good account of the enemy, and we were the more sanguin in our hopes of their success, because Mr. Constable in his letter, Aug. 3, said yt. he then knew the enemys strength and thought yt. the ships he left at Antegoa were capable to prevent any further designs of the enemy : now those ships everybody must own were much inferiour to the six men of war yt. were here. As to the reflections they make about ye Assembly, we wanted no intelligence at that time, for Capt. Green gave us as good, and as fresh intelligence, as was possible to be had : as to what men they wanted of their complement, I can say nothing to : but I must again observe yt. Mr. Upton did on Aug. 21st acquaint Mr. Hamilton by my order of the danger Antegoa was in, and yt. he bid Upton tell me yt. he could or would not waite upon me yt. night, but yt. he would in the morning, and further yt. his ship and those under his command were ready, and yt. he had no excuse but could sail by eight or nine a clock in the morning. I would further observe yt. it was not easy to suppose yt. the ships under Capt. Constables command wanted either men or anything yt. was necessary ; because they returned from Antegoa Aug. 3rd, and were to have gone from hence on Aug. 22 as convoy to the London fleet ; therefore if they had not their full complement of men or wanted anything, yt. this place could have accommodated them with, they should have made a representacon thereof to me, and if I had not done all yt. lay in my power to have supplied

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them, then the fault had laid at my door : but since Mr. Hamilton sent me word by Mr. Upton yt. his ship, and those under his command were ready, and yt. he had no excuse for not sailing, and since yt. Mr. Constable, and the ships under his command made no application for men : I hope yr. Lordships won't wonder yt. no consideration of yt. was had in Council, especially since all long considerations and dilatory proceedings appeared then to be as fatal to Antegoa, as the not sending them any relief at all, *etc.* I further take the liberty to say in answer to that reflection they make yt. the Assembly should have been suffered to have sat to raise money to hire men, and sloops, yt. there were severall persons in the Assembly, at that time, yt. would have perplexed, and baffled, any such proposition, and refer your Lordships to the Minutes of Council on Aug. 31st last, wherein your Lordships will see yt. they would not come into those measures wch. at that time seemed absolutely necessary for the preservation of their own country. The next paragraph in their remonstrance runs, On the Thursday night the Genl. and merchts. of the Island presented us with a petition to go down : whereupon we called a consultation the next morning, and unanimously resolved we thought it Capt. Constable's duty to break thro' his orders, and go in conjunction with the rest, wch. we immediately acquainted you with in a letter, as also yt. our ships wanted 300 effective men, some of our ships having now about 40 sick, and we flattered ourselves yt. you would have exerted the prerogative upon this so emergent occasion, since you are so tender of preserving it upon others, but to our great surprise we received in answer yt. it was impossible for you now to do it, tho' you own in the same letter yt. it was possible two days agoe, and yt. you admire we have not obeyed the orders you sent us, whereas we admire more yt. you should take upon you to issue orders, wch. you have no authority to give, or yt. you should fancy we would obey them, when the Capts. of the Stations have so often told you they would not receive any orders without being consulted with, when we are so expressly directed by our Instructions first to advise and consult with you, and then to receive orders, and you know yt. you have no authority, or power over Capt. Constable or the ships under his command. In answer to this paragraph, your Lordships will give me leave to say yt. I know nothing of the consultations they mention ; but I do own they did send me a letter by Wm. Walker and Major Cogan on Aug. 24th about two a clock in the afternoon, and both their letter and my answer thereto are entered in the Minutes of Council, but since they endeavour to reflect upon me by misreciteing it, I lay it here verbatim before yr. Lordships :—" I have just received yours, and I do wonder you have been so long in coming to a resolution of going to the assistance of the Leward Islands especially after you received my orders wch. I sent you by and with the advice of H.M. Council to go thither. I also admire yt. you did not acquaint me before now yt. you wanted men to proceed on yt. service, if you had, all proper means would have been used to have got you them, before this, but as you have



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delayed the matter thus long without any justifiable reason yt. I can see, and have now asked wt. is impossible for me to comply with on a sudden, I must therefore tell you yt. the Leward Islands are in such eminent danger, yt. you ought to go in the condition you are in, and not to loose any more time upon any pertence wt. ever, but obey the orders I have given you ; I have directed Mr. Faucet to supply the *Experiment* with 10 barrells of powder." I shall now take notice yt. they say yt. I to their great surprise told them in answer to their demand for men, yt. it was impossible for me now to do it, tho' they say I own yt. it was possible two days ago, your Lordships will easily perceive the occasion of this incongruity : for if they had not left out these words (on a sudden) they had been balked of their satisfaction, of being greatly surprized : yr. Lordpps. cannot but take notice yt. they say they admire yt. I should take upon me to issue orders, *etc.* In answer to this I must remind yr. Lordships, yt. ye Gent. of the station have in severall important cases refused to consult, and advise with me, and sometimes upon very frivolous pretences, and sometimes without assigning any reason at all. *Repeats story of July 14 and Aug. 8, 22 etc.* I had much rather they should thus clamour agt. my giving them proper orders without consulting, and advising with them, than they should excuse their not doing their duty, or any part of their ill conduct, by pretending they wanted my orders, but under the pretence of their not being obliged to receive orders without first being advised and consulted with, they have found out a way to evade the receiving any orders at all ; for if they are not humoured like children, if everything is not exactly complied with according to their mind, and if they are not suffered to stay as long in the road as they please, they either give out yt. they are ill-treated, or used with ill manners, and therefore absolved from comeing any more to advise and consult with me. Mr. Constable's Journals will sufficiently convince your Lordships yt. he hath gone from hence a great many times without my orders, and I must assure your Lordpps. without so much as letting me know where he went or when he would return : But your Lordships wont wonder at these libertys, after I have taken upon me to tell you that Mr. Hamilton hath not scrupled even to disobey orders yt. have been issued for H.M. espescial service, and ye preservation of her Colonies, even tho' he had been consulted thereupon, and yt. they were issued by and with the advice of H.M. Councill here. *Refers again to the orders of July 15, and Messrs. Constable and Hamilton leaving Antigua. Continues :—*Though the inhabitants of Antegoa were under most terrible apprehensions, of being invaded by the enemy, and therefore made all the pressing instances and kind offers yt. was possible to engage them to stay a few days with them, yet nothing would prevail upon them, notwithstanding they were obliged to do it by their orders, their honour and common humanity ; so Mr. Constable on Aug. 26th and Mr. Hamilton on the 27th left the distressed Antegonians to bewail their misfortunes, and to expect the greatest harm the enemy could do them, this in my poor opinion, is the most

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indiscreet, the most inhumane and dishonourable act yt. ever was committed by persons of their station. It is said in ye remonstrance yt. I know yt. I have no manner of power over Capt. Constable, *etc.* All yt. I can say to this is yt. I have not seen Capt. Constable's last Instructions, nor know nothing of them more than wt. is menconed in a paper yt. contains the opinion of a Councill of war, yt. was held on board the *Woolwich* on July 14th last, and is entered in the Minutes of Council, the Gent. who signed that paper sett forth, yt. Mr. Constable was of opinion yt. he could not enter into any consultation with them yt. might cause any alterations in his proceedings contrary to what he had this day acquainted me with, without my application to him, for so doing, he beleiving he could not be safe otherwise ; from hence I concluded yt. I had a power to give him orders, for if I had no such power then my application or orders could have been of no manner of safety or benefit to him. The next paragraph in ye remonstrance runs : " On the afternoon of the same day haveing been offered by Mr. Walker, Mr. Newport and Major Cogan £600 for the encouragemt. of 300 men at 40s. a man to go with us, we sent up Mr. Chaplin of H.M.S. the *Lyme* with a message to you to desire leave to beat up for volunteers, in hopes yt. he being a Gent. of good esteem in this Island might have mollified you into a compliance but as he informed us under his hand upon his return when he sent your servt. whom he saw speak to you to acquaint you yt. he was come from us on H.M. speciall and imediate service, with a message relating to the relief of the Leward Islands, the servt. returned in answer yt. you were busy and would not be spooke with, or receive any message, and yt. afterwards he desired the same servt. to call your private Secrey. to have spooke with him, and yt. he returned the same answer." As to the offer they say they had made of £600 I can say nothing to, not knowing whether it was so, or not, nor whether Parson Gordon is chaplin of the *Lyme*, or whether anybody here hath power to make him so, or to make a sinecure of the place of chaplin to a man of war ; but I do submitt it to your Lordships whether such things are not very great abuses upon the publick, and very great hardships upon the poor seamen ; as to the esteem and character Mr. Gordon hath in the island, I am unwilling to speak much of it, but it is so very bad, yt. I never shewed him any countenance, or cared yt. he should come within my doors, this severall of the Capts. of the men of war knew, and therefore very innocently sent this pious man to mollifie me into a compliance, they had never proposed to me, nor wt. I could have had no objection to, if they had been sincere in it and would not even have made it a pretence for delay. When Mr. Gordon came to my house he sent one Lancelot Bainbridge a servt. of mine into the garden to tell me yt. he desired to speak with me, I ordered the servt. to acquaint him yt. I was busy, he then sent the same message by the said servt. to Mr. Upton, and the like answer was returned, and this is all yt. I knew of his business, as appears by the depositions of Mr. Upton and Lancelot Bainbridge wch. are entered in the Minutes of Councill herewith sent.

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The next paragraph setts forth yt. in the evening I sent Capt. Hamilton one single order directed to the Constables to take up deserters, and stragling sailors ; but would not make use of my authority to press or give us leave to beat up for volunteers upon ye aforementioned encouragement. In answer to this I must desire your Lordships to call to mind yt. it was but on the 24th of Augt. in the afternoon, yt. they informed me that they wanted seamen, and in the evening, I sent Mr. Hamilton a warrt. to take up all deserters, and stragling seamen wch. was sufficient for the town of St. Michael ; for the danger the Leward Islands were in, was so great, and the Capts. of the men of war had industriously lost so much time, yt. I did not think it proper to send warrts. into the severall parishes of the Island, to take up seamen, and to keep the ships here from goeing to the assistance of the Leward Islands, till returns were made thereof. As to my not pressing seamen out of the mercht. ships, I must again say I have no power to do it, and as to my not suffering them to beat up for volunteers, I deny yt. they desired any such thing of me, or anybody in behalf of them. In the next paragraph they say yt. upon the whole affair they shall submit it to the world, whether it is not plain even to a demonstration yt. all my aim and design hath been to retard and prevent their goeing, and then they add yt. the first step I took was to slight and affront them, to rip up old differences, throw dirt, abuse and endeavour to divide us, to issue insulting, peremptory orders, wch. you have no authority to give ; to deny supplying us with men, not to suffer the Assembly to sitt to raise money for their encouragement, not to lett us have a tender even tho' there was one ready, and at last not to admit our officers, and refuse to receive any message from us, the naturall conclusion from all wch. is yt. so you could lay the blame upon us, you would be glad the Leward Islands perished. The first step they assert I took was to slight and affront them, and endeavouring to divide them. I do utterly deny it unless they do hereby mean the facts yt. are incerted in the Minutes of Councill to demonstrate their ill conduct, and I hope your Lordships will see there was an absolute necessity of doeing this, since one of the Queen's Islands was destroyed, and many others exposed to the mercy of the enemy. As to their asserting yt. I sent them insulting peremptory orders, wch. I had no authority to give, I must refer yr. Lordships to those orders, and do hope you will not think there's anything rude, insulting or improper in them, but adapted to the then circumstances of affairs. I do also humbly submit it to your Lordships, whether I had not power to issue them, but I must take the liberty to say that I verily beleive if I had not issued them, that they would have not gone to the relief of the Leward Islands, and would have afterwards thrown the blame upon me, for not giving them orders. I have already given my reasons for the Assembly's not sitting, and have made it appear yt. I have neither denyed the Capts. men, nor anything else for the service of the Queen and the Leward Islands yt. laid in my power to grant, nor do I know they have been treated with the least disrespect or incivility,



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and I am sure I have been far from giving them any reason to say, yt. so I could lay the blame upon them I should be glad the Leward Islands perished. This is so very severe a charge yt. if it could but be probably made out I should be so far from thinking myself entituled to any share of the Queen's favour, or the friendship of any good man, yt. I freely own there's no punishment upon earth too great for me, *etc.* I cannot conclude this long letter without once more observing yt. upon my sending Mr. Grace the Provost Marshall to Capt. Constable on Aug. 22 last, to acquaint him in what eminent danger the Leward Islands were in, and to desire him to meet me in Council att twelve a clock the same day, to consult about their preservation yt. he sent me word by the said Grace yt., he had no business with me, and yt. he would sail on Sunday (being the 24th Aug.) with the fleet, to prevent wch. I directed the severall officers not to clear the mercht. ships. So from this single instance, I submitt it to your Lordships, whether Mr. Constable or I had the intrest of the Leward Islands most at heart. I hope yr. Lordships will pardon this crude and prolix account, and beleave I would have put it into better method, and language, if time and the business of the Govermt. would have allowed it, but I have been so streightened in the one, and taken up with the other, yt. I have had only leisure thus to relate the facts and circumstances thereto belonging. I have only to add yt. the members of H.M. Council here did unanimously desire me on Aug. 25th last upon reading the remonstrance of the Capts. of H.M. ships yt. I would lay before H.M. the insolent and outrageous behaviour of the sd. Capts. as also the many unjust, and scandalous reflections they have thrown upon the Council and me without any colour of reason, and yt. I would humbly desire her most sacred Majesty to grant us such relief herein as to her great wisdom shall seem most meet: from hence I humbly intreat yr. Lordships to lay the contents of this letter before H.M. *Signed, Rob. Lowther. Endorsed, Recd. 26th, Read 27th Nov. 1712. 24½ pp. Enclosed,*

69. i. Copy of Orders issued by Governor Lowther to the Captains of the men of war attending Barbados about assisting the Leeward Islands. June 28—Aug. 22, 1712. *As described in preceding. 17 pp. [C.O. 28, 13. Nos. 97, 97 i.; and (without enclosure), 29, 12. pp. 449–503.]*

Aug. 29.

**70.** Capts. Taylor, Holland and Arnold to the Council of Trade and Plantations. Being advised that your Lordships would willingly be informed respecting Cape Bretton, on the coast of Nova Scotia, we being masters of ships and inhabitants in that part of the world, knowing well the said Cape, are ready to attend your honours, *etc.* *P.S.*—Please to give us a line at ye New England Coffee-house behind the Royall Exchange. *Signed, Chr. Taylor, Tho. Holland, Wm. Arnold. Endorsed, Recd. Read Aug. 30th, 1712. Addressed. 1 p. [C.O. 5, 865. No. 86; and 5, 913. p. 380.]*

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Aug. 29. **71.** Council of Trade and Plantations to the Earl of Dartmouth. Enclose Mr. Cuninghame's complaints against Governor Douglas. (April 30, July 2). [*C.O.* 153, 12. *pp.* 10-12.]  
Whitehall.
- Sept. 3. **72.** Mr. Popple to Capts. Taylor, Holland and Arnold. In reply to Aug. 29, desires their attendance at Mr. Moore's\* house in Bloomesbury Square on Fryday, *etc.* [*C.O.* 5, 913. *p.* 381.]  
Whitehall.
- Sept. 4. **73.** Governor Douglas to Mr. Lewis (*v.* July 10). Encloses by H.M.S. *Panther*, copy of the General Pardon (Feb. 6) "and make it my humble petition to the Earl of Dartmouth, to have his further directions for my conduct in this embarrassing affair." *Signed*, Walter Douglas. *Endorsed*, R. Dec. 16, 1712. 1 *p.* [*C.O.* 152, 42. *No.* 90.]  
Antigua.
- Sept. 5. **74.** Lt. Governor Bennett to [*? the Earl of Dartmouth*]. *Repeats part of Aug. 15. Continues* :—In a letter to me from Major General Lambert, Governor of St. Christopher's, is the following paragraph (*vizt.*) : I have by late advice from a spy-boat, that there is got together at Guardalupa 16 ships and 32 sloops, therefore believe they design to attack something greater than their last interprize, *etc.* *Signed*, Ben. Bennett. *Holograph.* 2 *pp.* [*C.O.* 37, 28. *No.* 14.]  
Bermuda.
- Sept. 8. **75.** Order of Queen in Council. Repealing act of Barbados *enabling the executors of Christopher Estwick, etc.* (*v.* April 26). *Signed*, Edward Southwell. *Endorsed*, Recd. 14th, Read 31st Oct. 1712. 2 *pp.* [*C.O.* 28, 13. *No.* 96; and 29, 12. *pp.* 441, 442.]  
Windsor.
- Sept. 13. **76.** Robert Cunynghame to the Council of Trade and Plantations. As I still continue a prisoner, so do my complaints against General Douglas and Lieut. Governor Lambert, humbly praying your Lordships, that effectual orders may be given, that affidavits be taken against them, for maintaining my complaints, and that they as well as myself be obliged to appear before H.M. in Council, your Lordships, or at the Queen's Bench Bar *etc.* *Signed*, Ro. Cunynghame. *Endorsed*, Recd. Nov. 8th, Read Jan. 20th, 17<sup>1</sup>/<sub>2</sub>. 1 *p.* [*C.O.* 152, 9. *No.* 148; and 153, 12. *pp.* 59, 60.]  
Charles Fort in St. Christophers.
- Sept. 13. **77.** Lt. Governor Bennett to Mr. Popple. The packett herewith inclosed was designed to be sent by the way of Newfoundland according to its date, but the vessell was detain'd by contrary winds : and on the 8th inst. about two in the afternoon, began the most severest hurricane that has been known here, and continued till ten att night : a great many houses were quite blown down, none escapeing without being much shattered, very many trees toren up by the rotts, and several of the largest cedars that were most fast in the ground twisted off in the middle by whurle-winds, to our great amasement, five sloopes (being all

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\* Arthur Moore, Commissioner of Trade, 1712.

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that were) in the Town harbour were driven on shoar, and most that were a building (throughout the country) blown off the stocks, a woman and child killed by the fall of a house, and one old woman blown off from an Island where she lived into the sea and drown'd. It was fear'd before enquiry made that much more mischief had been done to people's lives. The sloop that was to carry my packet suffered in the storme, soe that this now goes by the way of Barbados, *etc.* *Signed*, B. Bennett. *Endorsed*, Recd. Jan. 30, Read Feb. 2, 1712-13. *Holograph*. 1 p. [C.O. 37, 9. No. 25; and 38, 7. pp. 177, 178.]

Sept. 13. **78.** Mr. Attorney General to the Council of Trade and Plantations. I have no objection in point of law to the Act of Virginia to enable *John Custis, etc.* (v. Aug. 26). *Signed*, Edwd. Northey. *Endorsed*, Recd. 19th, Read 25th Sept. 1712.  $\frac{3}{4}$  p. [C.O. 5, 1316. No. 83; and 5, 1363. p. 414.]

Sept. 15. **79.** Robert Cunynghame to the Council of Trade and Plantations. I have further cause of complaint, *etc.* By accompt adjusted by a Committee of Council and Assembly the publick of this Island is indebted to me £163, I continue a prisoner, have wife with eleven smal children to maintain, notwithstanding which my estate is this day distrained upon for my part of the levey, which amounts to £30, and is chiefly for a present to the General, which is contrary to the Queen's intentions, and which had not the consent of the majority of the Assembly, *etc.* v. *supra*. *Signed*, Ro. Cunynghame. *Endorsed*, Recd. Nov. 8th, Read Jan. 20th, 17 $\frac{1}{2}$  $\frac{2}{3}$ . 1 p. [C.O. 152, 9. No. 149; and 153, 12. p. 61.]

Sept. 17. **80.** Certificate that publick papers of Barbados "hereunto annex" are true and exact coppys. *Signed*, Rob. Lowther. 1 p. [C.O. 28, 43. No. 81.]

Sept 23 (?). **81.** W. Nevine, agent of the Leeward Islands, to [? *Erasmus* London. *Lewis*. v. July 10.] Daniel Mckinen and Samuel Watkins (two gentlemen of Antegoa) have been taken up and committed to Newgate by my Lord Chief Justice's warrant for the murther of Coll. Park; notwithstanding H.M. most gracious proclamation of pardon (out of which, it cannot be pretended, they are in any manner excepted), so that unless the sd. pardon be made an effectual security against imprisonment and prosecution as well as att tryal, the case of all the persons intituled to the sd. pardon will be very miserable and the sd. Colony throwne into the utmost confusion. *Prays* that they may be admitted immediately to baile and that the like trouble to any of the persons comprehended in the sd. pardon will be effectually prevented for the future. *Continues* :—This is matter of the greatest astonishment to the merchants and all others concerned in that Colony, and therefore I beg you will informe my Lord Dartmouth. *Signed*, Will. Nevine. *Endorsed*, R. Sept. 24th, 1712. 1 $\frac{3}{4}$ pp. [C.O. 152, 42. No. 89.]



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Sept. 24.  
Whitehall. **82.** The Earl of Dartmouth to Mr. Attorney General. H.M. thinks fit that you consider of the enclosed Address of the Representatives of the Freemen of the Province of Pensilvania and report your opinion what H.M. may properly do therein. *Signed*, Dartmouth. 1 p. [C.O. 5, 1233. No. 55.]
- Sept. 25. **83.** Agents for the sufferers at Nevis and St. Kitts to the Council of Trade and Plantations. Propose an alteration in the form of oath offered by the Attorney General, Aug. 8. *Signed*, Ste. Duport, Cha. Mathew, Rich. Meriwether, Nath. Carpenter, senr., Rowld. Tryon, Ja. Campbell. *Endorsed*, Reed. Read, Sept. 25, 1712. 2 pp. [C.O. 152, 9. No. 129.]
- Sept. 25.  
Windsor  
Castle. **84.** H.M. warrant to Mr. Attorney or Solicitor General to prepare a bill for H.M. signature granting the place of Provost Marshall General of the Leeward Islands, to Aston Warner Esq., "to have hold and enjoy the same by himself or his sufficient deputy or deputys (for whom he will be answerable) for and during our pleasure and his residence upon our said Islands" etc., and revoking the patent of John Perrie. *Countersigned*, Dartmouth. [C.O. 324, 32. pp. 174, 175.]
- Sept. 25.  
Whitehall. **85.** Council of Trade and Plantations to the Queen. *Recommend* for H.M. approbation an Act of Virginia to enable John Custis, etc. (v. Aug. 26, Sept. 13). [C.O. 5, 1363. p. 415; and 5, 1335. No. 177.]
- Sept. 29. **86.** Petty expenses of the Board of Trade, June 25—Sept. 29, £30 12s. 6d. Stationer's bill, £39 3s. 3d. Postage, £26 19s. 1d. 6 pp. [C.O. 388, 76. Nos. 139, 141, 143.]
- Sept. 30.  
Windsor  
Castle. **87.** H.M. warrant to Mr. Attorney or Solicitor General to prepare a bill for H.M. signature granting the places of Secretary and Provost Marshall General of Bermuda to George Tucker, (etc. as Sept. 25), and revoking the patent of Edward Jones. *Countersigned*, Dartmouth. [C.O. 324, 32. pp. 175, 176.]
- Oct. 1.  
Whitehall. **88.** Mr. Popple to Mr. Attorney General. Encloses objections (Sept. 25) to the form of oath for Nevis and St. Kitts, for his opinion. [C.O. 153, 12. p. 13.]
- Oct. 2.  
Bermuda. **89.** Lt. Governor Bennett to [? the Earl of Dartmouth]. Last night arrived here H.M.S. *Dunwich*, Capt. Graves Commander, who delivered me your Lordship's letter of Aug. 21st ult., relating to a cessation of arms, wherein was a proclamation concerning the same, to which all due observance shall be had. As also when thought proper to send any prisoners to Great Britan, shall take care sufficient proofs of their crimes shall goe with them. *Repeats part of Sept. 5th and Sept. 13th. Signed*, Ben. Bennett. *Holograph*. 2 pp. *Enclosed*,  
89. i. Duplicate of No. 44 i. [C.O. 37, 28. Nos. 15, 15 i.]

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Oct. 5.

**90.** Mr. Attorney General to the Council of Trade and Plantations. I have considered objections made to the form of oath I prepared for the sufferers of Nevis and St. Christophers. The Act having expressly declared that none shall be entituled to a share of the bounty, but such who appear to be sufferers by the return of the Commission, it will not be sufficient that a man of the same name, as is mentioned in that return, had resettled, but an express oath must be made, that the person sworn to have resettled, is the same person mentioned in that return, for that there may be several of the same name. As to the objection against swearing to the property of a plantation, I have no objection against the altering the form of the oath, as proposed, so that some oath be made, that the person is the same mentioned in the return as a sufferer. As to the form of an oath for all inhabitants resettling, I have no objection against the form proposed by the objectors, if oath be made, that it is the same person, who appears to have been a sufferer by the said return. *Signed*, Edw. Northey. *Endorsed*, Recd. 15th, Read 31st Oct. 1712. 1 p. *Enclosed*,

90. i. Duplicate of No. 83.

90. ii. Duplicate of form of oath proposed Aug. 8. [*C.O.* 152, 9. Nos. 136, 136 i., ii.; and (*without enclosures*) 153, 12. pp. 41, 42.]

Oct. 6.  
Charles Fort  
in St.  
Christophers.

**91.** Robert Cunynghame to the Council of Trade and Plantations. *Complaints* against Governor Douglas as Sept. 13th, etc. "I know none of my high crimes and misdemeanours, for which the Council here as well as he refused to admit me to bayle. I presume it is no new thing to your Lordships to hear they always do as the General would have them, witness their address in favour of General Park, upon complaints being exhibited against him and their report of Mrs. Bowdon's affair. I have bin long since told that the least line of submission to the Generall will set me at liberty," etc. *Signed*, Ro. Cunynghame. *Endorsed*, Recd. Dec. 13, Read Jan. 20, 17<sup>1</sup>/<sub>3</sub>. 1 p. [*C.O.* 152, 9. No. 150; and 153, 12. pp. 62, 63.]

Oct. 8.  
Jamaica.

**92.** Mr. Mackenzie to the Council of Trade and Plantations. I hope the singularity of the occasion may in some measure plead my excuse for the presumption of this address: for, understanding lately by a very intelligent and creditable person, as well as by several pregnant and concurring circumstances formerly consistent with my own particular knowledge, that abundance of art and industry is used in contriving such voluminous and specious advices as (I am told) are now transmitted to your Lordships and others by H.E. the Governor of this Island, with an air of mighty zeal for the service of H.M. and the preservation and interest of this Island in particular; I think myself in duty bound to give your Lordships an humble precaution against your giving an intire credit to these advices, or coming to any determined resolutions touching the same,

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before the arival of H.M.S. the *Defyance*, which is appointed to sail on the 14th inst. as convoy to the London merchant ships which have been detained here, about two months past, by reason of an embargo, and a subsequent dreadful hurrican which happen'd here the 28th of August last. I have no servile mercenary end in view, *etc.* I undertake under the severest of penalties, to make it evident, after my arrival at London; I having at the same time the Government's protection; that chiefly by the influence of Richard Rigby and John Stewart, two of the Council, and William Brodrick, Attorney General, partiality, oppression and manifest injustice have been countenanced and committed in the Council, the Court of Chancery, the Grand Court and the Court of Admiralty of this Island. That several resolutions voted in Council have some time thereafter been quite razed out of the Minutes and Journals of Council. That several things have been ordered to be entred in the Council Books that were not consistent with real point of fact, and other material matters of fact pass'd in Council, and yet ordered not to be entered. That in relation to some matters of the greatest consequence transacted in Council in May 1711, when Richard Rigby was neither a member nor Clerk of the Council, he has privately in about twelve months time thereafter quite altered the Minutes, and had them entered in the books so as to contradict flatly the plain sense and meaning of the Council, merely to make them subservient to his own private ends. That he having in his possession the Council Books is now privately altering and transcribing them many years backward. That in manifest contempt of H.M. authority the present Governor has by the advice of the said Rigby, Brodrick and Stewart, or some or other of them, knowingly and as fully neglected some, and broken others of H.M. Instructions. That to the manifest lessening of H.M. Revenue, the Governour took bribes of money and other presents in breach of the said Instructions. That he seem'd to slight and conniv'd at several considerable embezlements of stores and ammunition out of H.M. chief forts in this Island, after I had apprized him thereof. That the late embargo and martial law here, was only to serve a turn of state, as being projected and moved in Council, before any news arrived here of the French's having been at Mountserrat, tho' the same happen'd to be opposed by such Councillours as were not upon the secret, and the generality of the people complained that the unseasonableness of both the embargo and martial law has proved more injurious to them than the hurrican; all which several articles I can plainly prove by undeniable vouchers; but am just now advised that the Governor intends to detain me prisoner in this Island, by refusing to sign my tickett, which he has done several times before: tho' I gave security into the Secretary's Office long agoe, *etc.*, in relation to which I must rely on your Lordships' orders to the Governor, such practice being a violent encroachment on the liberty of the subject, *etc.* Signed, Rod. Mackenzie. Endorsed, Recd. 16th, Read 19th Dec. 1712. 2 $\frac{3}{4}$  pp. [C.O. 137, 9. No. 75; and 138, 13. pp. 413-418.]



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Oct. 9. **93.** William Borrett to Mr. Lewis (*v.* July 10). Samuel Inner Temple. Watkins and Daniel Mackinen (*v.* Sept. 23) are making application to be bayled. Mr. Attorney General thinks it reasonable, but cannot consent without the Earl of Dartmouth's warrant, wherein H.M. may be signified to that purpose. *Signed*, Wm. Borrett. *Endorsed*, R. Oct. 9, 1712.  $\frac{3}{4}$  p. [*C.O.* 152, 42. No. 91.]

Oct. 10.  
Jamaica.

**94.** Governor Lord A. Hamilton to the Council of Trade and Plantations. It is now almost ten weeks since we have had any ship from Great Britain nor have I received any from your Lops. since my last. The *Defyance* by which I have now ye honour to write to your Lops. was first intended to saile the beginning of August, but ye accidents wch. have detain'd her, have likewise prevented my writing sooner. The news of Mountserrat's being taken, and of ye enemy's appearing off of Antegoa some time afterwards with a more considerable force, the number of their ships being then augmented from 23 to 36 sayl and wch. seem'd to favour a report there had been for some time of Mons. Du Guey's being expected in ye West Indies, was, as I thought sufficient alarm for us to be upon our guard: and accordingly by ye unanimuss advice of ye Council and of a Council of War, I laid an embargo and caus'd marchal law to be proclaimed. I communicated my intelligence with my designs to ye Admiral, who seconded our endeavours by sending a ship to look into ye enemys ports to windward, and calling in ye squadron. But whilst wee were preparing to resist a human force we were shattered almost to pieces by one irresistable; on ye 28th of August at night there arose a hurican of wind and rain in so violent a manner that it has been made a question whether ye great earthquake did more damage to ye Island. It's fury lasted from about  $\frac{1}{2}$  an hour past 9 to almost 12, and raged most from ye windward part of ye Island for about 80 miles to leward on ye south side; in wch. tract of country many houses and works were thrown down, few escapt without being uncovered or receiving some damage, and ye whole face of nature in ye morning seem'd chang'd from a beautifull appearance of spring to ye depths of a winter, there being nothing that was green to be seen, and ye mountains as it were opened by ye fall of trees. The particulars of ye loss in ye shipping I have here inclos'd, and wch. I think has been confin'd to ye harbour; the *Monmouth* only met with ye storme at sea wch. carried away her masts at once; the trading vessels upon ye coast of Portobel and Carthagena, had at ye same time unusual calmes, nor has ye hurrican as I can learn reacht any of ye other Islands; But ye great damage with us is computed to be in ye canes and provision in ye ground; It was but in my last letter yt. I gave you an accot. of ye prosperous condition of the planting interest of this Island. The planters now say they are half undone; such is the fluctuating state of interests here. However, my Lords, it pleas'd God to send a little dry wether after ye storm, and people had thereby an opportunity to get ymselves cover'd again, or els in all probability another misfortune had followed by a general sickness,

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whereas ye country is notwithstanding pretty healthy. This did not hinder neither but such measures were pursued as were thought necessary to secure us agt. ye enemy we expected (who in ye condition we were in was still more to be feared) untill wee recd. certain intelligence of their having left ye Indies, upon wch. also by ye unanimuss advice of ye Council I immediatly took off ye embargo and revived ye common law. My Lords, tho' I can't accuse myself of being short in ye accot. I have now given yr. Lopps., yet having sent you by this opportunity ye Minuts of ye Council and of ye Council of War, I take ye liberty to refer yr. Lopps. thither for a fuller detail of ye motives upon wch. I have acted, and of what I proposed to be done whilst it was thought by both Councils absolutely necessary to put ye country into ye best posture of defence it was capable of. If your Lops. please to give yourselves the trouble to inspect ye Minutes of ye Council, you will likewise observe there at length (and wch. it is impossible for me to abridge in a letter) some examinations concerning several disorders and crueltys said to have been comitted by ye privateers of this Island upon ye Spaniards both on the coast of Carthagena and Cuba wth. what has been resolved thereupon, but has not yet been brought to any perfection ; and indeed our principal informations in those cases (tho' I believe ym. too true) being from ye Spaniards themselves and ye facts alleadged against the privateers by ym. controverted or deny'd, I find there is a good deal of difficulty in ye prosecutions ; But I assure your Lops. nothing shall be wanting in me to give all the discountenance possible to such practises and all ye satisfaction I justifiably can to ye Spaniards. This has been attended with a further inconveniency and wch. your Lops. will also see more at large upon ye Minutes of ye Council ; some of ye privateers suspected of those facts have been met with at sea by ye men of war and by them have been taken on board and there detained wth. some of their effects, and not discharg'd or proceeded against as seizure, when brought into harbour. The owners have hereupon comenct suites against ye Capt. of ye man of war for their goods and detention of their men contrary to ye American Act of Parliament, at wch. ye Admiral has been offended, and complaints have been made to me from both sides for reparation, yr. Lops. will find this matter clearly stated in ye resolutions of ye Council, to whom I thought it was best to refer ye examination, because I plainly perceived the Capt. of ye man of war had gone farther than he could well justifie ; tho' ye privateers might be guilty they were to be tryed according to law, and this they insisted on, and there haveing been some instances already of men being taken off ye shoar, the whole Island took part wth. ym. in this ; so that I found myself obliged to insist yt. ye men should be deliver'd on shoar into ye custody of ye proper officer till their examination and tryall if sufficient evidence could be had against ym. and ye goods taken to be put into ye hands of ye Register of ye Admiralty to wait ye same issue. I confess ye difficulty I have lain under to give satisfaction to all sides ; the Comanders at sea have likewise complained of

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their men being entic't away and entertain'd by ye inhabitants of ye Island, yr. Lops. will remarke by ye proclamation I publisht wch. you will see entered in ye Minutes how much I have been enclined to prevent any prejudice to H.M. service at sea, and indeed my Lords I have endeavour'd by all other ways to give those commanders all just and reasonable satisfaction ; at ye same time not to sacrificize ye rights of ye people, of whom H.M. had intrusted me wth. ye Goverment. There is my Lords ye greater occasion at this time to give ye Island all just supports, because of ye present misfortunes they labour under, and ye entire decay of trade wch. ye merchants live in hopes will revive again upon ye establishment of a peace so honble. and so advantageous as that wee daily expect to hear off. The disorders wee have been in from ye hurrican and ye apprehension of an enemy have made it impracticable for ye Assembly to meet at ye time they were appointed. They stand now prorogued to ye 14th inst., at wch. time I design ym. to meet and do bussiness. In my letter to your Lops. of ye 8th of March, I took ye liberty to recommend to you Mr. Brodrick's being restored to his place in ye Council here. I find myself obliged in order to have ye assistance of a full Council, whereas now I have often difficulty to get a quorum together, to add two gentlemen, Coll. James Archbould and Lt. Coll. John Sadler to that recommandation, in ye room of Coll. Long, Edlyn and Mumbee, the first haveing been off ye Island near 6 ye others above two years without any of them having signify'd to me their intentions to returne. The characters of ye gentlemen now propos'd to that trust are as agreeable to H.M. Instructions upon yt. head, and in my humble opinion in all respects more proper for ye good of H.M. service then any others yt. I can at this time name. I herewith send ye Receiver Genll.'s accts. made up to March last. Mr. Chaplin is now makeing up ye last half year to Sept. 29th before ye Auditor, and Mr. Knights is then to take possession of that office by virtue of a deputation from Mr. Compere ye patentee. I likewise send ye lists of ye regiments I promis't you in my last, and haveing viewed some of them on this occasion, I am sorry to tell yr. Lops. wee musterd in ye field much short of what appears upon ye lists, sickness I am afraid will generally require allowances of a sixth part of our numbers. But yr. Lops. will undoubtedly observe how very smal a force at best (Coll. Handasyd's Regiment apart concerning wch. I have in my former given yr. Lops. some accot.) and how scatter'd a body of men wee are for ye defence of so large and plentiful an Island, nay without a forreign enemy ye planters could not conceal their apprehensions from their negroes when I ordered but a regiment at a time together to view them, and it was thought expedient to send a body of horse into those parishes from whence ye foot were drawn ; indeed ye insolence of ye negroes has been very great, insomuch that two white persons have lately been cutt in pieces by ym. in ye Plantations in open day ; and I cannot but from this consideration propose to yr. Lops. thoughts ye necessity of continuing some regular forces here at least for some time after a peace or untill wee can reap



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ye benefit of it by an addition of white people amongst us, or otherwise this Island may be lyable to some very unlucky disaster by an insurrection; and I mention this matter thus early to yr. Lops. yt. it may be considered of before a resolution be taken to recall this regiment. Besides my Lords were all ye circumstances of this Island clearly before yr. Lops.' view, I am almost perswaded you would be of opinion so many inconveniencys are apt to arise from ye heat of this climate yt. we were not fit to be trusted altogether wth. ourselves, and yt. at lest 300 men wch. might be independent companys and in that manner of much less charge to H. M., would be necessary in time of Peace to guarrison ye forts and keep other guards to wch. I attribute much of ye quiet this Island has hitherto enjoyed, etc. *P.S.* Oct. 18. Since I ended my letter, there are aryved here four ships from Bristoll. I have had sent me by private hands ye Queen's proclamation for a cessation of arms wth. France for 4 months, but have not had ye honour of any commands from yr. Lops., nor ye Secretary of State upon that occasion. However I have countermanded some commissions to privateers wch. I had before granted, and shall call in those that are out as soon as possible. Ye Assembly met ye 14th inst. and ye Council having prepared ye inclosed address wth. my approbation, ye Assembly have concurred wth. ym., and both have desired me to have it presented in ye properest manner, wch. I conceive to be by ye hands of ye Earl of Dartmouth, to whom I have recommended it, to whom yr. Lops. will please to transmitt it, etc. *Signed*, A. Hamilton. *Endorsed*, Recd. March 28th, Read July 17th, 1713.  $9\frac{3}{4}$  pp. *Enclosed*,

94. i. Accounts of H.M. fortifications in Jamaica, March 25,—Sept. 29, 1711. *Signed*, Char. Chaplin, Rec. Gen. *Same endorsement*.  $1\frac{1}{4}$  pp.

94. ii. Accounts of H.M. fortifications in Jamaica, Sept. 29, 1711—March 25, 1712. *Same signature and endorsement*. 2 pp.

94. iii. Account of H.M. Revenue in Jamaica, March 25—Sept. 29, 1711. Receipts and balance, £8370 11s.  $10\frac{1}{4}$ d. Expenditure, £5453 12s.  $7\frac{1}{2}$ d. *Same signature and endorsement*. 2 pp.

94. iv. List of outstanding debts on H.M. account, Sept. 29, 1711. £4725 15s.  $6\frac{1}{2}$ d.  $1\frac{3}{4}$  pp.

94. v. Account of H.M. Revenue, Sept. 29, 1711—March 25, 1712. Receipts and balance, £5423 1s. 9d. Expenditure, £2401 18s. *Signed*, Char. Chaplin. *Same endorsement*. 4 pp.

94. vi. List of outstanding debts on H.M. account, March 25, 1712. £3786 3s.  $11\frac{1}{4}$ d. *Same endorsement*. 1 p.

94. vii. Account of H.M. Imposts, Jamaica, 1711, £3152 19s.  $3\frac{3}{4}$ d. *Signed*, Char. Chaplin. Sept. 29, 1711. 2 pp.

94. viii. Account of H.M. imposts, Sept. 29, 1711—March 25, 1712. £361 3s.  $1\frac{3}{4}$ d. *Signed*, Char. Chaplin. *Endorsed*, Recd. March 28, Read July 17, 1713. 2 pp.

94. ix. Account of H.M. quit-rents, fines, forfeitures and

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- escheats in Jamaica, March 25—Sept. 29, 1711. Quit-rents, £177 2s. 11½d. Fines etc., £265. *Same signature and endorsement.* 2 pp.
94. x. Account of H.M. fines, forfeitures and escheats, Sept. 29, 1711—March 25, 1712. £336. *Same signature and endorsement.* 2 pp.
94. xi. Account of H.M. quit-rents, £46 18s. 6d., and wine licences, 63 at £5, Sept. 29, 1711—March 25, 1712. *Same signature and endorsement.* 2 pp.
94. xii. Address of the Governor, Council and Assembly of Jamaica to the Queen, Oct. 18, 1712. Congratulate H.M. on terms of peace, and return thanks for H.M. protection during the war. *Signed, A. Hamilton, William Brodrick, Speaker. Same endorsement.* 2½ pp.
94. xiii. Copy of Minutes of a Council of Warr held at St. Jago Dela Vega, Sept. 1, 2, 1712. Measures of defence against invasion resolved upon. *Same endorsement.* 9½ pp.
94. xiv. List of the 7 Militia Regiments (*Colonels Henry Lowe, Odoardo Lewis, James Archbould, Francis Rose, John Wyllys, John Clarke, William Brodrick*) in Jamaica, Oct. 11, 1712. *Total, 2451, and 7 troops of horse (Captains John Peeke, Lewis Archbould, Richd. Aldeburgh, Antony Swymer, James Guthrys, Thomas Rose, John Cossly)=271. Same endorsement.* 1 p.
94. xv. (a) List of ships lost and damaged by the hurricane (attended with an earthquake) in Port Royal Harbour, Aug. 8, 1712. *Driven ashore or sunk but afterwards weighed up, with loss of masts etc:—Weymouth man of war; Salisbury prize; Tryal sloop of war; Jamaica sloop of war; Medway's prize; the Galleon hulk, Baltimore gally; Foy frigate; King William; Tryal's prize, August's prize; Elizabeth's Good Luck; Bennet of Bermudas; Tryall sloop; Rose-tree sloop; Anne sloop; Elizabeth and Sarah sloop of Jamaica; Eunice sloop of Jamaica; Supply sloop of Jamaica; Ann sloop of Jamaica; Isabella sloop of Jamaica; Elizabeth brigantine; Leopard brigantine; Hawk-gally snow. Lost:—Tyger gally, beat in pieces; Diamond gally sank in mud; August's prize lost; Union of Jamaica, sloop; Society of Jamaica, sloop; Diamond of Jamaica, sloop; Endeavour sloop of Jamaica; Content sloop of Jamaica; Beginning sloop of Jamaica; Mesopotamia sloop of Jamaica; Kingston sloop of Jamaica; Francis and Sarah sloop of Jamaica; Charles sloop of Jamaica; Black Moll sloop of Jamaica; Adventure brigantine; Mary Rose.*  
 (b) List of ships lost and damaged at Kingston. *Amy-gally and Joseph-gally, ships of London, lost with all hands, except their Captains ashoar. Mary and Catherine, Unity, Nicholson frigate, ships of London, run ashore; Aleppo Factor, of London, lost masts; Beaufort gally of Bristol, Lancaster pink of London,*

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*Jamaica* gally of Boston, sunk and lost. Most of the wherrys and canoas lost. All the wharfs at Kingston destroyed. *Same endorsement.* 3 pp. [*C.O.* 137, 10. *Nos.* 9, 9 i.-xv.; and (*without enclosures*) 138, 13. pp. 468-483.]

Oct. 10.  
Antegoa.

**95.** Governor, Lt. Governor, Council and Speaker of Antigua to the Council of Trade and Plantations, We have this day wrote to the Lords of the Admiralty to give them an accot. of Capt. Hamilton's and Capt. Constable's behaviour at a time when Mr. Cassar with a squadron of 6 men of warr and several merchants shippes and sloopes under his command landed at and plundered Mountseratt and afterwards threatened the reduction of the rest of the Leeward Islands, the copy of which wee have sent herewith, that in case the Lords of the Admiralty do not take due notice thereof your Lordps. may make such a representation to H.M. as you shall think proper. Our coast is very much infested with the enemyes privateers and our merchants vessells daily taken in our sight for want of a man of warr constantly cruiseing to windward which is not to be expected while there is but one ordered to attend this government for while she is cleaning or goeing with our Generall on the visitation of the other Islands our windward parts are naked and the trade bound in exposed. We therefore pray your Lordps. will make such application in our favour as may procure two men of warr more to attend this government durning the warr. *Signed,* Walter Douglas, John Yeamans, Jno. Hamilton, Edw. Byam, W. Codrington, Richard Oliver, Geo. Lucas, Speaker. *Endorsed,* Recd. 11th Feb. Read 14th July, 1713. 2 pp. *Enclosed,*

95. i. Governor Douglas, Lt.-Governor, Council, and Speaker of the Assembly of Antigua to the Lords Commissioners of the Admiralty. It is with regret we trouble your Lordships with a complaint, but when we see the Commanders of the Queen's ships neglect their duty, and by their ill conduct expose H.M. Collonys to ruine, we think ourselves obliged to lay the same before you, *etc.* On July 5th appeared off this Island a French Fleet consisting of 32 sayle of shippes and sloopes commanded by Monsr. Cassart, who attempted to land July 6th about 2 of the clock in the morning, but were happily prevented by the violence of the weather, which occasioned the loss of several of their boats, and some of their men, whereupon they weighed and stood away for the leewardmost part of this island, but made no more attempts to land; the same evening they bore away to Mountserat, and next morning before day landed on that island; which they plundered and destroyed, but did not intirely subdue it. As soon as the enemy left us, our General dispatched an expresse to Barbadoes to give the General of that Island an accot. of our danger and to ask such assistance as he was capable of affording us, who wee are informed



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immediately issued his orders to the Commanders of H.M. shippes forthwith to come down to our releife, but some scruples and debates ariseing amongst them, delayed their sayleing some days after the arrival of our expresse, in the interim we used our utmost endeavours to draw the enemy from Mountserat; our General embarked with about 600 land men on board the 4 men of warr then here, and several sloops; but the weather proveing stormy, H.E. did not think it practicable to land; however their appearance off the harbour alarmed the French Fleet, and caused them to withdraw their forces from Mountserat. A few days after the return of our shippes, they were joyned by the six men of warr from Barbadoes, and after their staying here two days went out to releive Mountserat, but in their passage met a boat from that Island which acquainted them that the enemy had left it two days before and were gone with their plunder to Guardaloope which occasioned the returne of our men of war and sloops. Five or six days after we were informed by our spie boats yt. six shippes and several sloops of the French Fleet were rideing in an open road at Guardaloope called Bastar, and some English prisoners that were landed at Mountserat from the French Fleet informed us yt. ye enemy's designes were to take on board more forces to attack us, whereupon the General, Council and Assembly of this Island made application to Capt. Hamilton and Capt. Constable setting forth the apprehensions we were under, and praying they would stay with the ships under their command a fortnight amongst us, in which time we might reasonably expect to have a certain accot. of the enemy's designes; and our General told them if they thought fit to attack the enemy as they lay at anchor at Guardaloope [*? he*] together with Col. John Hamilton with what forces they could rayse, would go on board the sd. Capt. Hamilton as volunteers, and Col. Hamilton acquainted Capt. Hamilton yt. he would secure his quarter deck wth. small shot under his command, but all the reasons they could use could not prevaile. Whereupon we sent a second letter to Capt. Constable to tell him our opinions were that when your Lordps. were acquainted with the cause of his trespassing your orders you would pardon the same in consideration of the smal proportion the detayneing the trade at Barbados 15 days would bear to the loss of the Leeward Islands, and withall told him if all we could say had no influence upon him, and that the Islands miscarryed by his not granting this request, wee should lay his conduct before the Queen and parliament, to which we had no other answer than a verbal one by the bearer of our letter telling us, that if he had resolved to stay such a letter as wee sent, would hasten him away,

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and tho' he did intend to use his utmost endeavours to perswade Capt. Hamilton to stay (with the shippes under his command) amongst us after his departure, yet since wee had writ him such a letter, he would prevaile with him to leave us. Wee have taken a deposition hereof, and send it herewith, as also coppies of our letters and Capt. Constable's answers *etc.* (Aug. 25), whereby your Lordps. will perceive how little regard he has to the Queen's honour, or the preservation of her Collonys. Some time after the returne of the men of war to Barbadoes, the French Fleet consisting of 9 shippes and about 15 sloops appeared a second time off this Island; and remained in sight four days to windward. On their first appeareance our General dispatched another expresse to the Governor of Barbadoes to acquaint him that the enemy was off, and in all probability would attempt to land in few hours, and desired he would send downe the men of warr to our assistance. But no application had any effect upon Capt. Constable until some gent. of Barbadoes presented him with £400 and gave him assurance he should have £2000 in case your Lordps. disapproved of his comeing down and broke him for the same. We shall desire Governor Lowther to have the gentlemen who transacted that affair interrogated upon oath and shall send the same home to be laid before your Lps. After ye men of war left Barbadoes and were on their passage hither Capt. Hamilton by his Lieut. commanded our expresse boat on board and tooke from the master thereof all such letters as he found directed to anyone of this Island, and made particular enquiry for the General's packet, the cause of wch. we conceive was that he apprehended the Governor and other gent. of Barbadoes had given us full accot. of their conduct, wch. he might beleive we should remit to you. After they came in sight of this Island, they sent our expresse boat in to know whether ye enemy were landed and at the same time continued about 5 leagues off the shoar until the sloop returned and gave them an accot. there was no danger. Upon which they came in, from which we may reasonably infer that if we had been actually attacked they never intended to do us any service or would have afforded us any releife and consequently their stay at Barbadoes would have caused a greater apprehension in the enemy then their comeing downe. We must acknowledge our inadvertency in telling Capt. Constable we should trouble ye Queen and parliament with a complaint of his conduct, when your Ldps. are ye proper judges on such occasions, and we have no roome to doubt but you wil passe such a due censure on the aforesd. Capts. as your Ldps. shall think they deserve. We shan't presume to tell your Ldps. how much the

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Leeward Islands were like to suffer and how exposed we were to the insults of the enemy by the Captns. of H.M. ships gratifyeing their private resentments and interests and preferring the same to the honour of H.M. and ye preservation of her Islands, when in all probability our ten men of war might have destroyed the enemy, who had but six men of war in their Fleet and had 130 odd peeces of cannon less than ours, *etc.* Signed and endorsed as preceding. 2 pp. [C.O. 152, 10. Nos. 2, 2 i.; and (without enclosure) 153, 12. pp. 94-96.]

Oct. 13.  
Windsor  
Castle.

**96.** H.M. Warrant to Mr. Attorney or Solicitor General to prepare a bill for H.M. signature granting the place of Provost Marshall Generall of Barbados to Erasmus Lewis (*etc.* as Sept. 25th), in place of George Gordon, decd. *Countersigned*, Dartmouth. [C.O. 324, 32. pp. 176, 177.]

Oct. 14.  
Westminster.

**97.** Copy of H.M. Commission to Col. Francis Nicholson “for enquire what monies, provisions, arms, ammunition, stores, or other things did come to the hands or power of any our present or late Governors, Lt. Govrs., Commanders in chief, officers, ecclesiastical civil or military or other persons whatsoever in North America upon account of the late expedition to Canada, presents to the Indians, fitting of ships, propagation of the established religion, or any other services since March 8, 1701,” *etc.* To examine into the rates of exchange of bills, to state accounts of what remains, to dispose of such stores as will not be necessary to serve the uses for which they were at first provided; to enquire into the state of H.M. Revenue and Woods and the state and accounts of the College of Wm. and Mary in Virginia; the numbers and qualities and accounts of H.M. forces in New York, Annapolis Royal, *etc.*, and of the Palatines; to enquire into clandestine trade and all frauds and abuses relating to the premises; and to treat with any H.M. subjects or Indians relating to settlements, fisheries, trade or otherwise tending to H.M. general advantage *etc.*, with power to administer oaths to persons able to give account of the premises. Governors *etc.* to give Col. Nicholson access to and copies of papers required for these purposes, and to assist him in the execution of his trust, *etc.* *Countersigned*, Wrighte. *Endorsed*, Reed. 22nd, Read 31st Oct. 1712. 5 pp. [C.O. 323, 7. No. 19; and 324, 10. pp. 4-9.]

Oct. 15.  
Windsor  
Castle.

**98.** The Earl of Dartmouth to Governor Lowther. H.M. having been pleased to constitute Mr. Lewis (Oct. 13) Provost Marshall of Barbados, it is my request to you that you will countenance and protect his deputys in the due execution of the office and that you will assist him as much as lies in your power to make all the just advantages belonging to it. *Signed*, Dartmouth. [C.O. 324, 32. p. 177.]



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Oct. 15.  
Virginia.

**99.** Lt. Governor Spotswood to the Council of Trade and Plantations. The arrival of the *Dunwich* frigate with H.M. Proclamation for a cessation of arms, gives me the opportunity of a few minutes to inform your Lordps. of the present scituation of affairs in these parts. The Indians continue their incursions in North Carolina, and the death of Coll. Hyde the Governor, wch. happened the begining of last moneth, encreases the misery of that Province, so much weakened already by their own divisions, that no measures projected by those in the Government for curbing the heathen can be prosecuted. This unhappy state of H.M. subjects in my neighbourhood, is the more afflicting to me, because I have very little hopes of being enabled to relieve them by our Assembly, which I have called to meet next week; for the mobb of this countrey having tryed their strength in the late election, and finding themselves able to carry whom they please, have generally chosen representatives of their own class; who as their principal recommendation have declared their resolution to raise no tax on the people let the occasion be what it will. This is owing to a defect in the Constitution, which allows to everyone tho but just out of the condition of a servant that can but purchase half an acre of land, an equal vote with the men of the best estates in the countrey. The Militia of this Colony is perfectly useless, without arms or ammunition, and by an unaccountable infatuation no arguments I have used can prevail on these people to make their Militia more serviceable. The fear of enemys by sea (except pirates) are now happily removed by the Peace, which if on no other account than that alone, ought to be received here as the greatest and most valuable blessing; but the insurrections of our own negros, and the invasions of the Indians, are no less to be dreaded, while the people are so stupidly averse to the only means they have left to protect themselves against either of these events. I shal for my own part take all the care I am capable of (under these disadvantages) for the safety of H.M. subjects, etc. *Signed*, A. Spotswood. *Endorsed*, Recd. Dec. 29, 1712. Read Feb. 26, 171 $\frac{2}{3}$ . 2 pp. [C.O. 5, 1316. No. 91; and 5, 1363. pp. 475-477.]

[Oct. 16.]

**100.** Alexander Strahan, Agent to the 4 Independent Companys of Foot at New York, to the Council of Trade and Plantations. *Encloses* following to be laid before H.M. *Continues*:—I would humbly offer it to your consideration, whether the acct. from those parts of the defection of the five nations of the Indians may not make this augmentation more requisite etc. *Endorsed*, Recd. 16th, Read 31st Oct. 1712. 1 p. *Enclosed*,

100. i. Extract from Brigadier Hunter's letter to Alexander Strahan, Jan. 1, 171 $\frac{1}{2}$ . *Urges him* strongly to sollicite the augmentation of the troops at New York, on account of the building of two new forts in the Indian countrys. "Another cogent reason is the tarr manufacture, for in time of peace I by these hands with a small allowance to the workers for the working days only can pursue it tho' the Palatines were not here, there is no doing with

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that turbulent race of men but a strong hand and severe discipline. I have found all other mesures ineffectual, and have been oblig'd to disarm them and keep them to their work by a small detachmt. in their neighbourhood, *etc.* Whether they would regiment them, or add 2 companys independant, I am indifferent, but for discipline sake, I wish they may be regimented. The Governor being Col. needs no pay, the Major's pay is a trifle, and the rest of the staff we have already."  $\frac{3}{4}$  p. [*C.O.* 5, 1050. *Nos.* 53, 53 i.]

Oct. 18. **101.** Governor Lord A. Hamilton to [*? the Earl of Dartmouth.*] Jamaica. Acknowledges letter of June 24th in favour of Mr. Lewis Galdy. Signed, A. Hamilton. 1 p. [*C.O.* 137, 51. *No.* 63.]

Oct. 20. **102.** Order of Queen in Council. Approving representation of Windsor. Sept. 8th, (*q.v.*) and granting H.M. royal pardon to Mars, a negroe, Hosea and John, two Spanish Indians. Signed, Edward Southwell.  $1\frac{1}{2}$  pp. [*C.O.* 5, 11. *No.* 87.]

Oct. 20. **103.** Order of Queen in Council. Approving representation Windsor. of Sept. 25, and confirming Act of Virginia to enable John and Frances Custis to sell part of Col. Parke's land entailed on the said Frances, *etc.* Signed, Ja. Vernon. Endorsed, Recd. Read June 24, 1715.  $1\frac{1}{4}$  pp. [*C.O.* 5, 1316. *No.* 116; and 5, 1364. pp. 206, 207.]

Oct. 20. **104.** Copy of H.M. Commission to Francis Nicholson to be Windsor. General and Commander in Chief of the forces in Nova Scotia or Acadia, and in Newfoundland. Countersigned, Bolingbroke. Endorsed, Recd. Read Jan. 29, 1713. 2 pp. [*C.O.* 217, 1. *No.* 4; and 218, 1. pp. 34-36.]

Oct. 20. **105.** Copy of H.M. Commission to Francis Nicholson to be Windsor. "Governor of our Province of Nova Scotia, or Acadia, in North America; and of our town and garrison of Annapolis Royal," *etc.* Signed and endorsed as preceding. 1 p. [*C.O.* 217, 1. *No.* 5; and 218, 1. pp. 36, 37.]

Oct. 20. **106.** Governor Lowther to the Earl of Dartmouth. Captain Barbados. Bungo Hardman, Commander of the *Blenford* man of war, arriv'd here with your Lordship's of Aug. 21st on the 10th inst., and on the 11th I published the proclamation your Lordship sent me in relation to the Truce. The line that's mentioned in the Queen's Proclamation, and your Lordship's letter, I take to be the equinoctial line, and not the Tropick of Cancer as some conjecture. I will do my utmost endeavour to see the cessation of hostility duely complied with, and shall punctually observe H.M. commands in not sending any prisoners to Great Britain without sending at the same time sufficient proofes of their crimes. Signed, Rob. Lowther. *Holograph.* 1 p. [*C.O.* 28, 43. *No.* 79.]

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Oct. 20.  
Jamaica.

**107.** Governor Lord A. Hamilton to [*? the Earl of Dartmouth.*] The *Defyance* by which I have now ye honour to write to your Lop. was first intended to saile the beginning of August, but ye accidents wch. have detain'd her, have likewise prevented my writting sooner. *Refers* to letters to Board of Trade *re* imbargo and martial law and the hurricane. People have pretty well refitted their houses, and by ye favourableness of ye wether since I hope their canes won't suffer so much as was at first expected. But there are two matters wch. have lately happen'd and wch. being national I have thought necessary to inform yr. Lop. of. Both have been done by ye privateers of this Island against what I presume was the intent of the American Act of Parliament, tho' they seem to have evaded the letter of it ; one fact has been ye robbing ye Spaniards near Carthagena, in an intercourse of trade wth. ye Dutch, the other has been comitted on ye coast of Cuba by using some cruelties on ye Spaniards to discover their effects and money in an intercourse of trade wth. English vessels. Of these I have recd. complaints from ye respective Spanish Govrs., and from ye Spanish and Dutch traders and from our own, and have endeavour'd to give ym. all possible assurances yt. such actions, as being highly disagreeable to H.M. inclinations towards ye Spaniards as well as ye Dutch, shall be strictly enquired into and discourag'd ; I have order'd a prosecution on ye Stat. of H.6.c.4, against ye first, and am advis'd by H.M. Attorney General here that restitution may be thereupon decreed out of ye effects wch. I have ordered to be detain'd in ye Agent's hands belonging to that privateer. The second fact is not so well prooved nor seems so obnoxious to any statute, tho' in this too all shall be done yt. can by law. But my Lord it is from the difficulty I meet with in such prosecutions and my inability effectually to redress these disorders yt. more inclines me to give yr. Lop. this information, *etc.* *Recommends* for the Council, Mr. Brodrick (May 5), Coll. James Archbould and Col. John Sadler in the room of Cols. Long, Edlyn and Mumbree, the first having been off ye Island near 6, ye others above two years, without any of them having signify'd to me their intentions to return, *etc.* *Prays* his Lordship to present to the Queen an Address forwarded to the Board of Trade, " wherein the body of this Island have endeavour'd to express their duty to H.M. on this happy occasion," *etc.* Signed, A. Hamilton. 2 $\frac{3}{4}$  pp. [*C.O.* 137, 51. *No.* 64.]

Oct. 20.  
Antigua.

**108.** Governor Douglas to [*? the Earl of Dartmouth.*] *Acknowledges* letter of Aug. 21st " with H.M. Proclamation for observance of the Truce, which I have published in all the four Islands with the usual ceremony and notified the same to the Governour of Martinique and all whom it might concern : I have also made some considerable progress in recovering the decayed trade and credit of this Island, wch. was chiefly occasion'd by the late confusions, and continued by ye present heats, and divisions, to which, it's humbly hoped a few examples of justice wou'd put a very speedy conclusion, the chief promoters of the many murders



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and rebellion being supposed to have reached London before now. I shall take all imaginable care to see the cessation of hostilities duly complied with. Your Lordship's further orders, in the signification of H.M. pleasure, that none of her subjects be hereafter sent prisoners from the plantations to Great Britain, unless sufficient proof of their crimes is sent at the same time, shall be observed with all possible exactness," *etc.* *Signed*, Walter Douglas. 2 pp. [C.O. 152, 42. No. 93.]

Oct. 21.  
Windsor  
Castle.

**109.** The Earl of Dartmouth to Governor Lowther. The enclosed petition of Richard Carter having been laid before the Queen, H.M. was pleased to refer it to the consideration of the Attorney General, whose report is annexed. You will see it is his opinion the petitioner ought immediately to be restored to the exercise of his profession, and H.M. commands me to signify her pleasure to you, that he be restored accordingly. *Signed*, Dartmouth. [C.O. 324, 32. p. 178.]

Oct. 21.  
St. Johns.

**110.** Archibald Cumings to the Council of Trade and Plantations. In complying with your Lordships' commands, I take leave humbly to represent to your Lordships the state of the trade of this country. This year abundance of ships came to load fish, but the bad fishery has obliged a great many to go away dead freighted here has been some quantities of tobacco pitch and tarr imported this year more than the country could expend so it is shipped off for the Straights and for Portugall and one whole sloop lading of logwood for the Straights contrary to the Acts of Trade here is also brought in from Portugall and Fyall brandy fruit oyl and bacon and sometimes linins and canvas of the produce of that country contrary to law and shipped off for the other Plantations. Also my Lords here came an English ship from Holland with canvas powder potts linnens and other merchize of that country and cordage which is contrary to law and prejudicial to the trade of Great Britain. *Refers* to the prejudice to trade by ships coming hither from Spain under Spanish colours, *etc.* as April 22. *Signed*, Archd. Cumings. *Endorsed*, Recd. Read Dec. 12, 1712. *Addressed*.  $\frac{3}{4}$  p. [C.O. 194, 5. No. 17; and 195, 5. pp. 285, 286.]

Oct. 24.  
Windsor  
Castle.

**111.** H.M. Warrant to Governor Lowther, directing him to permit Erasmus Lewis (*v.* Oct. 13, 15) to execute his office by Provost Marshal General by his deputy or deputys, "Wee having thought fitt in regard to his being employed in our service as Secretary to our right trusty and wel beloved cousin and Councillor, William Earl of Dartmouth, one of our principal Secretaries of State, and upon other considerations us thereunto moving, to give and grant unto him our leave and licence to continue and remain in this our Kingdom of Great Britain till further signification of our pleasure," *etc.* *Countersigned*, Dartmouth. [C.O. 324, 32. pp. 178-180.]

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Oct. 29.  
Windsor  
Castle.

**112.** The Queen to the President of the Council of Maryland. No Governor having been sent thither since the death of Col. Seymour, our petitioner Sir T. Lawrence Secretary of Maryland still remains without redress, as ordered March 30, 1710 *etc.* Wee accordingly signify our will and pleasure to you that at the first Assembly which shall meet, after your receipt of these our Letters, you do in the strongest and most earnest manner represent to them that the several orders Wee have made in Council and letters Wee have been pleased to write in his behalf, after his case had been fully examined by Our Commissioners for Trade and Plantations and by Our Attorney General, who all agreed in representing the hardship thereof, have hitherto meet with no compliance, but that on the contrary because Wee had laid our commands upon Governor Seymour not to pass any law for the future whereby the advantage of the licences to ordinarys should be taken for the Secretary's Office the Council and Assembly at that time being did on Dec. 3, 1708, pass an ordinance directing and empowering the Justices of the County Courts to grant licences to ordinary keepers and to take recognizances for their keeping good rules and orders in their houses and settling the rates of liquors *etc.*, which pretended ordinance being contrary to commission to our Governor wherein it is expressly declared that laws, statutes and ordinances shall be passed by him with the advice and consent of the Assembly is therefore null and void and this proceeding altogether unwarrantable and illegall. You are further to acquaint them that Wee expect they should forthwith pass a law for regulating ordinarys without limitation of time or at least for a longer duration than it has hitherto been made and that the benefit of the licences be thereby appropriated to the use of the Secretary for the time being as fully to all intents and purposes as the said Sir T. Lawrence or any other Secretary of that Province hath at any time heretofore had or lawfully enjoyed the same, and that Wee do further expect that they give to Sir T. Lawrence an equitable consideration for the mean profit of the said office which he hath lost since 1704. And it is Our further will and pleasure that you use your utmost endeavour by pressing these matters home to them and by all other proper ways and methods (the choice whereof wee leave to your prudence and discretion) to procure a compliance with these Our commands. *Countersigned*, Dartmouth. [C.O. 324, 32. pp. 184-188.]

Oct. 29.  
London.

**113.** G. Bonnin to the Earl of Dartmouth. I am sent here as an eye-witness and on(e) of the chief evidences of that unparalleled rebellion and murder of Antigoa by a special warrant of Col. Walter Douglas against Sam. Watkins and Dan. Makinen and others to come, as chief actors in that barbarous fact. *Prays for maintenance if he must wait long, etc.* Signed, G. Bonnin. *Endorsed*, R. Nov. 1. *Addressed*. 1 p. [C.O. 7, 1. No. 21.]

Oct. 29.  
York, in St.  
Johns harbour.

**114.** Commodore Sir Nicholas Trevanion to [? the Earl of Dartmouth.] I writt you by Capt. Owen in the *Solebay* which brought me your letter and the Queen's Proclamation. Att the

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latter end of September the men of warr under my command had taken 5 prizes of considerable value three of which their men was sent to Placentia. I immediately sent an express to Monsr. Cost-De-Bel, the Governour, that if the officers and men would return their ships shou'd be restored; the other two I gave liberty that they might proceed on their intended voyage; now the men are return'd from Placentia with a letter from the Governour (*enclosed*). And I have restored their ships to their great satisfaction. I sent three expresses and this comes by the second, and I doubt the first is lost. I leave this Island in a very good condition and the people very well satisfied, *etc.* *Prays* to be appointed to settle affairs here in the spring, if Placentia is to be delivered up *etc.* *Signed*, N. Trevanion. 2 pp. *Enclosed*,

114. i. M. de Costebelle to Commodore Sir N. Trevanion. Plaisance, Nov. 3, 1712. *Accepts* his offer *as above*, and sends 4 dozen of wine, and begs to be allowed to purchase a box of soap and candles. I am told that some of our *fulibustiers* contrary to the laws of war and my orders, have committed outrages on your territory. If I can learn the names of these scoundrels, I will have them punished as they deserved, *etc.* *Signed*, De Costebelle. *French*. 3½ pp.

114. ii. Address of the inhabitants and merchants of Newfoundland to the Earl of Dartmouth. *Return thanks* for so early a notification of the cessation of arms, and pray that Sir N. Trevanion may be continued as Governour, *etc.* 97 *signatures*. 1 p. [*C.O.* 194, 24. *Nos.* 10, 10 i., 11.]

Oct. 29.  
York, in St.  
Johns harbour.

115. Commodore Sir Nicholas Trevanion to the Council of Trade and Plantations. In compliance with the orders that I recd. from your office, this brings you an acct. of the condition and state of Newfoundland. 'Twas the 18th Sept. before I arrived; I have done what lies in my power for to settle the inhabitants; and to decide all matters relateing to the affairs of the country; Monsr. Cost-de-Bel Governour of Placentia has given me his word, he will nott make them uneasie till he hears farther from France. I have writt to the Principal Secretary of State, and to Lords of the Admiralty; that I may come hear the next year to settle this country if it be a peace; I desire the interest of your honble. Board. *Signed*, N. Trevanion. *Endorsed*, Recd. Read Dec. 10, 1712. 1 p. *Enclosed*,

115. i. By Sir Nicholas Trevanion, Knt., Commander of H.M. ships and garrisons and Governour in Chief att Newfoundland. A record of several Courts held att St. Johns for the better discipline and good order of the people, and correcting the irregularities by them committed, contrary to good laws and Acts of Parliament, all which was debated att severall Courts held; wherein was present the Admirall and Vice-Admirall, merchants, and cheif inhabitants, and witnesses being examined, it was brought to the following conclusion—



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*Article* (i) That orders be put up att publick houses, and other convenient places, for the suppressing drunkenness, cursing, and swearing, and other irregularities. (ii) Whereas it was confirmed last year by Capt. Josiah Crow, that Mr. Jacob Rice, minister of St. Johns, was to have from the shallops 3, the two-men boat 2, and the skiff one quintals of dry merchandable fish, and I find that the planters are very backward in paying him though they gave from under their hands; he informs me he gott but 100 quintalls of fish, this fishing season; I do confirm what Commandore Crow, and the Court with the inhabitants did agree to, for the minister's subsistence and to encourage the Minister to remain in this country. (iii) I do confirm John Collyns Esq. Governor of Fort William of St. Johns, and that it is appointed, during the cessation, that 20 able men lies in the Fort every night. (iv) I granted a warrant to call Mr. Benger before me, relating to Sir William Hopkins' plantation att Ferriland, which is now in the possession of the Widow Clapp, and the tenement that was formerly in the possession of Sir David Kirk, but Mr. Benger did not appear in Court. (v) Mrs. Benger, wife of James Benger did appear relating to a tenement formerly in the possession of William Bennett decd., and Mrs. Benger is willing to allow to the heirs of Bennett, to one Tomson Reeve £10 per annum till it is further decided. (vi) As to what has happened to other matters between the merchts. and masters of ships, and planters and boatkeepers, relating to debts, I don't mention the parties being satisfied.

(*Replies to Enquiries. v. Aug. 2.*) (i) As to the numbers of English planters *etc. v.* scheme annexed. (ii) The planters receive sustenance from the countries, and kill but very few beavers, and other wild beasts. (iii) The inhabitants have most part of their salt provisions from Ireland; the fresh provisions as bread, pease and other necessaryes, from New England and Pensylvania, they have their salt from Lisbon, and the Isle of May; and in war time from prizes brought in here. (iv) I have given strict orders, that no trees should be cutt down or rinded, nor woods sett on fire, but what is necessary for the building of the stages and other uses, which I hope will be duly complied with, and that there is no trees cutt down upon the account of making oyle. (v) I have took all the care I could; to settle all matters between the fishing ships, and planters; to possess the fishing ships with what was their right, and the planters with theirs, there has been severall complaints of that nature, and I have done what lies in my power, to settle it for the little time I have been here, not arriving till Sept. 17th. (vi) I have had no complaints of the fishing ships; that the inhabitants,

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or by-boat keepers, have possessed their stages, cook-rooms, or train-fatts, or other conveniences, but att the arrivall of the ships they have had quiett possession. (vii) I have took all the care that I could that the by-boat keepers and fishing ships do carry such number of freshmen and greenmen in proportion to their respective companies as the Act directs me. (viii) I have had no complaints from any persons that there is any expunging, cutting out, or altering, any marks of any boats or trainfatts, or converting them to their use, or removing the same from the places where they have been left by the owners. (ix) I have had no complaints from any persons that there is any person leaving the country ; or any other time, that they do not destroy, deface or do any detriment, to the stages, cookrooms, etc. ; or to the materialls thereunto belonging which had been possessed either by himself or others, and that all persons during their stay here, does content themselves with what is necessary for their own use, and repair the defects that may be in their stages or other conveniences by timber fetched out of the woods, and that they do not committ any spoil upon stages already built. (x) I have had no complaint that any Admirall, Vice-Admirall, and Rear-Admirall of any Harbour do ingross any more beach or flakes then they pitch upon at their arrivall. (xi) Att my arrivall here I sent proper orders to all the Admiralls of the harbours, to give me an account as my Instructions directs me, and likewise to the cheif planters of every little cove, to give me an account of what boats, and fish, and of the inhabitants living in that port, (*annexed*). (xii) Att my arrivall here, I held a Generall Court twice a week, the Admirall and Vice-Admirall att my assistance, and whatever differences happened, we endeavoured to settle it, relating to planters and boatkeepers, servants, etc. (xiii) I took care to send to all the Captains of the men of war and Admiralls of the Harbours ; that no ballast should be thrown out of any ship to the prejudice of that harbour, which they have assured me they have complied with. (xiv) There has been due care taken that the inhabitants, boat keepers and fishing ships, and all others concerned in fishing, that their offalls, has not been any ways offensive ; their stages being so near the water, they throw it in, so that it's presently washed away. (xv) I took all possible care that the Lord's day should be duely observed, by the inhabitants and ships' companies, by sending a watch att sermon time, and setting up of strict orders, and where I have found any so offending, I took due care to give them corrections, both housekeepers and the agressors. (xvi) There is none but H.M. subjects that fishes or takes bait in these ports that are inhabited by the English. (xvii)

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There is great care taken that the fish is preserved with good salt, and sent to market in a very good condition. (xviii) There is no wine nor brandy brought from New England; only rum and molossus, which is the liquor the servants drinke in this country; it has proved a very bad year of fishing, so that the planters are in debt for themselves and servants, to the masters of ships and merchants, wch. they are to pay the year ensuing, if they are able. (xix) It was Sept. 17th before I arrived here, so that I could not gett the masters' names; for most of them were gone before my arrivall, but you will find by the scheme there was 20 sail belonging to America, they brought bread, pease, rice, rum, tobacco, molossus, and cattle, and other necessaryes to supply the inhabitants of this country. (xx) The provisions brought here is from England, Ireland, and New England, and it is disposed of here to the planters and inhabitants, for their subsistence; the New Englandmen return home in their ballast. (xxi) I gave you an account in the former article of the provisions brought hither, there is sugar and tobacco, but I can't find any cotton-wool, indico, ginger, fustick, or any dying wood that is brought here, nor any put on board of any ship bound for Spaine, Portugall, or any other forreign part. (xxii) and (xxiii) *v. No. 115, ii.* The food and sustenance for the men is beef, fish, pease and other provisions, what they can gett, their beer is brewed with molossus and spruce. They goe out of the harbours in shollops 7 men and 5 men in a boat: They catch their fish with hook and line. The first part of the year their bait is muscles and lances, and about the middle of June, their bait is capleing, squid and fresh herring; and the end of the year they fish with herring only, which they have nets purposely for taking the sort of bait. (xxiv) The price of fish this year is from 30 to 36 ryalls per quintall, good merchanable fish; the broken fish which they call refuge fish is sold for 20 ryalls per quintel, and carried to Spain and Portugall, and the oyle that is made of the livers of the fish, is carried to England: the value of the oyle is £16 per tun. (xxv) *v. No. ii.* They load with dry fish, bound to severall ports, as Spain and Portugall; but there is 8 ships this year that could not gett their loadeing, and was forced to go in their ballast to Virginia to seek freight. (xxvi) I have given strickt charge to take care not to discharge any men but to carry back what they brought from England. (xxvii) I have made the best enquiry I can to know what inhabitants there are att Placentia; there are 500 men and 200 women and children. There has been great quantities of fish catched there this year and sold for 22 ryals a quintal. (xxviii) There is a fort and platform consisting of 60 guns; ammunition



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and victualls they have from France and Canada, what quantities of ammunition I can't be informed with, and provisions there is no want. (xxix) As to the number of ships from Placentia this year was about 30 sail, which most of them came to make a fishing voyage, and some to buy fish in order to carry to market, which came there with necessaries for their subsistence : the ships that fish upon the banks, is taking of codd and salting of them, and carrying of them in bulk to France, and in the Bay ; they fish upon the coast of Canada, and salt their fish after the same manner. (xxx) There is no other nation besides England and France, except the Spaniards come by stealth, into harbours where they are not discovered. (xxxi) As to the New England-men, I have took care to see them all out of port, so that they may not carry away any of H.M. subjects.  
7 pp.

115. ii. Scheme of the Fishery of Newfoundland. Fishing ships, 66 ; Sack ships, 17 ; ships from America, 20. Burthen of fishing ships, 8000 tuns. Men belonging to the ships, 1423. Fishing ships' boats, 198. By-boats, 70. Inhabitants' boats, 300. By-boatmen, masters, 75, servants, 520. Quintals of fish, made by fishing ships, 20,030 ; by-boats, 13,900 ; inhabitants' boats, 30,500 ; *Total*, 64,430. Quintals of fish carried to market, 57,550. Quantity of train made by fishing ships, 180 tuns ; by-boats 150 tuns, inhabitants' boats 336 tuns ; *Total*, 666. Number of stages, 389. Number of inhabitants ; men, 1509 ; women, 185 ; children, 323 ; *Total*, 2017. *Signed*, N. Trevanion. *York*, in St. Johns Habr. Oct. 29, 1712. 1 p. [*C.O.* 194, 5. *Nos.* 16, 16 i., ii. ; and 195, 5. pp. 271-284.]

Oct. 29.  
Boston,  
New England.

**116.** Governor Dudley to Lord Bolingbroke [*my Lord Bullenbrook*]. I humbly congratulate your Lordship's advancement, and since my Lord Dartmouth's removal, pray to be allow'd to represent the present state of affayres in H.M. provinces where I have the honour to command. I have had a hard summer to prevent the inroads of my French and Indian neighbours from Quebeck. Early in the spring I sent a party of 60 men 250 miles into the deseart between us and Quebeck, where they cut of a small factory of Indians, of whom they destroyed tenn of their best men, and the rest fled towards Mountreal, and left their beaver and pelts in the English hands. This party gave notice and alarm to M. Vodriel, who supposing us to be more then we were, raised 200 Indians and French who come upon our frontiers of this Province and Newhampshire for 7 or 8 weeks flying from place to place, which obliged me to keep out 300 foot and two troopes of horse the most part of the summer, which prevented their falling upon any village of our frontiers. At length they march'd of, carrying with them only the heads of two little girles, and since the middle of September I have been at quiet. A few

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dayes since I have receiv'd from Sir Nicholas Trevanion H.M. proclamation for a cessation of armes, which I have made publique, the gentlemen of H.M. Councill and the Representatives of the Province and the first regiment of this town in armes attending. And the articles which H.M. in her princely wisdom has procured demonstrate her care for all her good subjects, especially those of North America, as well as her superior interist in the disposition of the affayres of Europe, to the satisfaction of all good men that love the Government and their own interest. I have obeyed H.M. commands in the Instructions to return bills of exchange for the expences here, which are humbly laid before my Lord Treasurer. The great affayres before H.M. relating to the warr must content everybody in the delay of lesser matters, and the merchants concern'd must have patience, but I most humbly pray of your Lordship that they may not be forgotton least it be a discouragement to any future service from them as well as the undoing those that made those supplies and depend on their bills. I am sensible that expedition ended very unfortunately, but I beseech your Lordship to believe me there was nothing left undone in the power of these Governments that it might have succeeded, and I humbly pray they may be satisfied in their just expectations. I am inform'd that some Clerks and Accountants were intended to be sent to examine those accounts, nothing shall be more acceptable to me then to receive them here, and yeild them all assistance for H.M. satisfaction. I am not personally concern'd one farthing in all those accounts. And if they can be shortned by any examination, I will approve myself to H.M. and my Lord Treasurer by assisting in it with all application. But if after all my sincere endeavours in that affayr, I should lose my reputation with the people here, and H.M. favour I should be the most unfortunate man liveing, *etc.* Signed, J. Dudley. 2pp. [C.O. 5, 751. No. 82.]

Oct. 29.  
New England,  
Boston.

**117.** Governor Dudley to the Council of Trade and Plantations. *Refers to letter of April 8th and acknowledges receipt of letter of Feb. 1st* requiring an account of stores of war *etc.* All these stores left by Generall Hill could not be in the year's account ending June 24, 1711 already sent but are now making ready to come in the mast fleet, wherein the thousand small armes will be containd, of which I am advised by the Rt. Hon. the Lord Dartmouth, Feb. 13. That supply and a happy peace by H.M. most gracious provision for us, I hope will secure us and prevent our being further chargeable to H.M. on that head. I humbly thank your Lordships' favour to Mr. Wentworth, whose warrant to serve in H.M. Councill is receiv'd and he is sworn, and serves very well being a man of good estate and loyalty. In the article of that letter referring to the division line between H.M. Province of the Massachusets and the Colonyes of Conecticut and Road Island, I had no reference to the petition of Wayt Winthrop and others referring to land in the Narraganset country, but only to the division line between the Massachusets and the two other Colonyes. That matter stands thus, in 1628 the Massachusets

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Charter [*was*] granted by King Charles I to severall gentlemen, and the bounds [*of*] the grant therein exprest and set down and the south bounds of the said grant were to be three miles southward of Charles River, or any branch of it, *etc.*, by an east and west line, which was accordingly run by skilfull artists and markt out in 1642, and the Surveyors' returns upon record, *etc.* In 1662 Conecticut and Road Island obtayn'd their charters, and were both bounded by the south line of the Massachusetts, which lines they have since pretended to examine, and alledge that it comes too far southward, and so deprives them of lands belonging to those Colonies. The Government of Road Island two years since sent some members of their Generall Assembly to treat about it, and upon a conference of two or three dayes were better informed and submitted to that antient line, run before the grant of their Charter, which agreement was accordingly signed by them, and is of record in both the Goverments, but the Colony of Conecticut remayn unsatisfyed and there has been suits at law for damages thereabout, and I have been often told that they had layd their complaint before H.M., which was the reason I wrote thereupon to your Lordships, as I am commanded in the Instructions for this H.M. Government. The inhabitants of this Government adjoyning to Conecticut are at a tolerable quiet at present, but the chalange will hardly be ended untill H.M. upon a full hearing shall please to determine the controversie, which will demand time when H.M. more important affayres will allow. I have passed the summer with my French and Indian neighbours tollerably without any considerable loss, and have now received from Sir Nicholas Trevanion at Newfoundland, H.M. proclamation for a cessation of armes, which every good man here hopes will be followed by a happy peace agreeable to those articles wherein H.M. has shew'd her princely wisdom and care for all her subjects in North America, and will give them leave to return to their employments for their own benefit, and the supply of Great Britain with naval stores, and what else they may be directed to for H.M. service, which I shall put forward with all dilligence while I have the honour to serve H.M. here. *Signed*, J. Dudley. *Endorsed*, Recd. Dec. 29, 1712, Read July 6th, 1713.  $2\frac{3}{4}$  pp. [*C.O.* 5, 865. No. 93; and 5, 913. pp. 422-426.]

Oct. 29. **118.** Governor Dudley to Mr. Popple. *Acknowledges* letters of June 1st and 13th. I am surprised to read the death of the New England, Earl of Winchelsea, *etc.*, *etc.* *Signed*, J. Dudley. *Endorsed* Boston. *as preceding.* 1 p. [*C.O.* 5, 865. No. 94; and 5, 913. p. 427.]

Oct. 29. **119.** Governor Dudley to the Earl of Dartmouth. *Acknowledges* letters of Feb. 13, and July 2nd and 8th. *Repeats parts of* No. 117. *Concludes* :—I have served H.M. here faithfully these ten years, and the country has been well defended to the observation of my enemies, if I have any, and I have left nothing undone to the observation of the Ministry in all things, and have had but a mean support, and yet am not willing to lose my station, if I may have H.M. favour to continue in it, *etc.* *Signed*, J. Dudley.  $1\frac{3}{4}$  pp. [*C.O.* 5, 898. No. 24.]



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Oct. 30. **120.** George Lee to the honble. Sir Stephen Fox att his  
Boston in lodgeings in Whitehall. *A letter on private affairs.* Thanks for  
New England. care of his family, *etc.* and endeavours to procure him a captain's  
commission, which he hopes will be done when the establishment  
of Annapolis and Placentia is settled, *etc.* *Signed,* George Lee.  
*Endorsed,* Rd. Jan. 1st, 1712 (13). 2½ pp. [C.O. 5, 751. No.  
83.]
- Oct. 31. **121.** Council of Trade and Plantations to the Earl of Dart-  
Whitehall. mouth. Enclose Mr. Cunynghame's letter of Aug. 12 (*cf.* Aug.  
29th). [C.O. 153, 12. p. 21.]
- Oct. 31. **122.** Governor Hunter to the Council of Trade and  
New York. Plantations. I had ye honour of your Lordps.' letter of June  
12th by the hands of Mr. Dupré, who arrived here on ye 18th  
inst. having left ye *Sorlings* man of warr when she touched at  
Rhode Island. Since ye arrival of that ship Capt. Graves in the  
*Dullidge* brought me H.M. Orders and Proclamation for a cessation  
of arms by sea and land, who being in hast to proceed to Boston  
with the like dispatches and from thence straight for Brittain,  
I have not time to give your Lordps. soe exact and perticular  
accounts of ye affaires on this side as is requisite, but shall supply  
that defect by the *Hector* and *Shoreham* who are now preparing  
for their returne. I most humbly and heartilly thank your Lordps.  
for the honour and justice you have done me in your Representa-  
tions to H.M. and that to my Lord High Treasurer, and must  
suffer with patience untill the more important affaires at home  
shall afford leasure to apply ye proper remedies. It would be a  
crime to doubt it after what you have done. As to ye Palatins,  
my substance and creditt being exhausted, I had noe remedy left  
but by a letter to the managers of ye work to intimate to that  
people that they should take measures to subsist themselves  
dureing this winter upon the lands where they were planted,  
and such as cold not, might find it by working with the inhabitants  
leaveing with the Commissarys their names and the names of  
ye places or landlords where they are imploy'd dureing that time,  
that they may be in readyness upon the first publick notice given  
to returne to ye work which they have obliged themselves by  
contract to pursue. Upon this intimation some hundreds of  
them took a resolution of possessing the lands of Scoharee and  
are accordingly marched thither, have been buissy in cutting a  
road from Schenectady to that place and have purchased or  
procured a quantity of Indian corn toward their winter subsis-  
tance. It being impossible for me to prevent this, I have been  
ye easier under it upon these considerations that by these meanes  
the body of that people is kept together within ye Province,  
that when it shall please H.M. to resume the designe of prosecute-  
ing that work that body at Scoharee may be imploy'd in working  
in the vast pine-woods near to Albany, which they must be  
obliged to doe haveing noe manner of pretence to ye possession  
of any lands but by performing their part of the contract relateing  
to that manufacture, and that in that sittiuation they serve

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in some measure as a frontier to or at least an increase to the strength of Albany and Schenectady, but if ye warr continues, or should by any misfortune break out again, it will be neither possible for them to subsist or safe for them to remain there, considering the ill use they have already made of arms when they were intrusted with them. The tarr work in the mean time was brought to all ye perfection that was possible in the time. The trees have received their last preparation, and staves prepared for the barrells, the magazine almost finished and ye road betweene it and ye pine woods almost compleated. Mr. Sackett who has had ye direction of that work ever since Mr. Bridger did basely desert it, assures me that the trees promise beyond expectation; the best of it in our present circumstances is that ye longer they stand now the more tarr they will yeild, providing it does not exceed a year or two. The reasons of the difference between the method of preparing the trees which your Lordps. have transmitted to me and that we follow are obvious. The sun has much more force here than in Moscow, which oblidges us to consult and follow the seasons of the yeare in our several barkings. I myselfe have observed that where by mistake the trees have been first rinded on the side where the sun's heat had most influence, the ground neare it was filled with turpentine drein'd by't from ye tree. My freinds in England who know nothing of ye matter press mightilly the sending over a quantity of tarr to convince the world of the solidity of ye project. To your Lordps. I referr them who are sufficiently appriz'd of the time absolutely requisite to produce ye first quantity in the manner it is done in all other countrys from whence wee have had it, and shall conclude this subject with this reflection; If ye production of that quantity of tarr requisite for ye Navy in H.M. own plantations be a reall advantage, or rather at this time indispensably necessary to Great Britain, if the world is convinc'd that tarr is made out of pitch pine, of which we are here sufficiently perswaded our trees yeilding as much turpentine, (which is ye same substance) as any in the world, if a sufficient number of hands duely instructed and imploy'd are ye instruments and means of produceing it, which are now here at great expence and soe imploy'd, if all this I say be true as undeniably it is, then I shall still conclude it impossible that this design can be dropt when it is brought soe near to ye pitch of perfection. By the inclosed Minutes of Assembly your Lordps. will observe that nothing is yet done or to be expected from them toward the support of Government. I communicated to them as I was directed your Lordps.' sentiments with relation to their proceedings. What regard they pay to them, your Lordps. will be appriz'd of by their resolves of Oct. 30, whereby they still insist upon ye Councill's haveing noe right to amend money bills, a notion but lately broached, the practice of almost all former Assemblys standing on record against them in that matter. The indecent heats and undutifull expressions in their house upon the reading your Lordps.' letter are not fitt to be repeated. Two things they avowedly declare they will never depart from,

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that is the appointing of sallaries and the custody of ye publick money, and now haveing for severall years starved the Government, they consume the time dureing their severall sessions in bantering it, that is by prepareing bills which they know can never pass. and others which if passed would raise noe money, whilst in the mean time their frequent sessions cost the country more money than an honourable support of Government would amount to. I have nothing to hope for from a new Assembly for ye reasons formerly alleadged to your Lordps., which experience has since that time confirm'd, the same members being return'd for ye last to one man. I shall only add, and I pray God my prediction may prove false, the remedy for those evils if delay'd will cost more then ye Province is worth. Such bills as shall passe my consent this sessions shall be transmitted by the next conveyance. My constant attendance on the Assembly here hath oblig'd me as constantly to prorogue that of the Jerseys. Neither can I promise myselfe any good issue from that meeting, if those gentlemen formerly mentioned continue in the Councill, that faction upon all occations vilifye and affront the Government in all it's branches. One of them Peter Sonmans, an alien, lately after haveing given orders to a servant of his (to whom it seems dureing a former administration Mr. Bass had intrusted the Records of the Eastern Division of that Province) not to show them to those who had not only my order but Mr. Basse's for that purpose, upon heareing of a second application and complaint to me from the parties concerned, thought fitt to break open the trunck in which the Records had beene kept and carry them out of the Province. Some time after the Cheife Justice haveing issued out his warrant for a search, and another for apprehending the said Sonmans, the Records were sent from New York by a permitt for Philladelphia. But Mr. Basse, who is likewise Surveyor of the Customes at Burlington, as he affirms to me suspecting there might be some prohibited goods in the said trunck when at Burlington, and haveing a key sent him by an unknown hand sealed up in a blanck peice of paper, had ye curiosity to open ye trunck, where to his great surprize he found all the Records of the Eastern Division safe and sound, and swears he will now never part with them more but with his life. I suppose ye collusion is palpable enough to your Lordps., but I shall make all more plain by the next conveyance. In the mean time the taxes are paid with daily difficulty and prosecution occasioned by the ill example and countenance of some of these gentlemen and matters of Government in the high road to the same confusion that raigns in this Province, whilst the remedy is easey and nobody hurt by't. Our Indians are now quiet againe, a very good Fort and Chappell built in the Mohak's country, where I have at present 20 private men and an officer, the other in the Onondagues country is like to meet with some opposition by ye evil arts of French emissarys, but I hope to get ye better of that and carry on ye work this summer. The Missionary for ye Mohaks is arriv'd and upon his departure for his mission, I doubt not but he will be kindly receiv'd, *etc.* P.S.



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I need not inform your Lordps. of the loss that must attend ye interruption of ye tarr work if it is resumed by reason of ye want of a yearly succession of prepared trees. *Signed*, Ro. Hunter. *Endorsed*, Recd. Dec. 29, 1712, Read March 11, 171<sup>1</sup>/<sub>2</sub>. 7 pp. [*C.O.* 5, 1050. No. 58 ; and 5, 1123. pp. 70-79.]

Oct. 31.  
New York.

**123.** Governor Hunter to the Earl of Dartmouth. *Refers to enclosure. Acknowledges* letter of July 8th, which gave us no small comfort, assuring us of the remittances for the publique service being speedily answer'd. Copies of all my vouchers went home by the Virginia Fleet, *etc.* *Acknowledges* letter of Aug. 21st, *etc.* The Fort in the Mohaks' countrey is built and garrison'd by an officer and 20 men who are very well receiv'd. That in the Onondagues is like to meet with some obstruction which I make no doubt to conquer. I must earnestly intreat your Lordp's. generous assistance toward a remedy for my present insupportable pressures. If I had so much as in a thought departed from H.M. interests, service, and commands, I should not think myself intitled to 't, but upon that confidence I throw myself at your Lordp's. feet, *etc.* *Signed*, Ro. Hunter. *Holograph.* 2 pp. *Enclosed*,

123. i. Copy of No. 122. [*C.O.* 5, 1091. Nos. 79, 79 i. ; and (duplicates), 80, 80 i.]

Oct. 31.  
New York.

**124.** Governor Hunter to Lord Bolingbroke. Your Lorp. will undoubtedly hear what I have communicated to the Earl of Dartmouth and the Lds. Commissioners of Trade with relation to the deplorable and dangerous situation of H.M. Government in this Province, and I can not doubt your Lorp's. generous assistance toward a speedy remedy so much being at stake. I have formerly beg'd your patronage to your friend Mr. Harrison who deserves much more then I have in my power to do for him. The present Secretary of ye Jerseys is one of the vilest of men. I am confident Mr. Harrison would fill that post to the satisfaction of all men concern'd. I am much concern'd that I have no returns to the representations against that person and some others of the Council there who are in many instances a lawlesse and worthlesse race of men, and the quiet of that Province is in danger by their continuance in these parts. I would fain resolve all into the hurry of more important affaires at home, which I now hope is well over, *etc.* *P.S.* I most humbly thank your Lorp. for the justice you have procur'd me as to my rank and commission, *etc.* *Signed*, Ro. Hunter. 2<sup>3</sup>/<sub>4</sub> pp. [*C.O.* 5, 1085. Nos. 4, ; and (duplicate) 5.]

Oct. 31.  
Westminster.

**125.** H.M. Letters Patent appointing George Tucker Provost Marshall of Bermuda, in the room of Edward Jones. *Countersigned*, Cocks. *Endorsed*, Recd. 15th Dec. 1712. 1 p. [*C.O.* 37, 9. No. 23.]

Nov. 1.  
N. York.

**126.** Governor Hunter to Mr. Popple. What I have to add to my genll. letter to the board and would have you communicate

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to them is this.. The Assembly since the writing of mine, in order to putt off or defeat the intention of their Lordps. contained in theirs to me, have in a hurry enter'd into some resolves for the payment of the officers of the Govt., by which they reduce all sellarys to the standard of their own conceit, and do not allow me for all the contingencys of Govt. and my sellary, so much as the sellary appointed me by H.M. amounts to, tho' they themselves know and allow that the single article of firing and candales for the garrisons amounts to more then £400 per ann. But even for these summs in their resolves they neither have nor ever intend to give any other funds then the imaginary ones mention'd in my letter, and their members have already acquainted me with their design of breaking up in a day or two. And how farr their resolves are to be depended on, the treatment of the heirs of ye late Lord Lovelace will inform their Lorps. They have also voted an Adresse to the Queen for her orders to me to passe an Act establishing an Agent for them in Engld., which according to the purport of the rough draught I have secretly seen, amounts to this, that H.M. would be pleas'd to receive no representations of matters relating to her Province and the Govt. of it for the future, but such as shall be made by their Agent instructed by them or a Comittee of them to sitt at all times, excluding their Lorps., the Governour and Council of this province, as their Lorps. will also observe from the copie of the bill they formerly sent up for that purpose which I long agoe sent over to their Lorps. *Signed*, Ro. Hunter. *Endorsed*, Recd. Dec. 29, 1712, Read March 11th, 17 $\frac{1}{8}$ . 2 pp. [C.O. 5, 1050. No. 60; and 5, 1123. pp. 84, 85.]

Nov. 1.  
Antigua.

**127.** Governor Douglas to the Council of Trade and Plantations. I am but too sensible how much I must have sufferd in your Lordships' opinions, if entire credit has been given to some letters wrote from hence to private persons in England, and as I have been inform'd, have been read at your Lordships' board; my freinds have not been able to obtaine cotypes, and thereby, to give me an oppertunity to answer to each particular. But I understand that the whole substance tends to charge me with amassing a prodigious fortune, by compounding with the murderers of General Park. If what your Lordships have heard were true, the people of this Island are of too quick and dareing a resentment to have endured it so long. If I had not sent home so many malefactors, where sure justice is like to overtake 'em; if I had not secured so many more, to expect further direction from H.M.; if I had let any of 'em been acquitted upon a sham tryal, or by a partial jury here; I might have expected such usage from the freinds of Mr. Park, and as the guilty persons expected a general impunity, the one side will never beleive that they have mercy shewn, nor the other, enough of blood drawn. I can't say, my Lords, that there has been no grounds, and a very little handle well managed by one's enimys, is enough to ruin so inconsiderable and freindless a man as myself. Mr. Britton, the Attorney General, pretending to have more influence

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and interest with me then he really had, in my absence from Antigua, without my knowledge or consent, enter'd into a treaty with the criminals, and took bills and bonds for £5000 or upwards, as I am told, to procure a general pardon, without any exception, but after the publication of the general pardon with such exceptions as I was instructed to make, the persons contracting exclaym'd against me for not performeing the bargain and promise that I never made; and those, who were disappointed of their general indemnity, pursue now my ruin. I did all I could to satisfy them. I disclaym'd all right or pretence to the securities, and caused an entry to be made of this in the Council books, which might serve in the nature of a General Release. I examined Mr. Britton and made him produce 'em, and burned 'em before witnesses, which your Lordships may observe in the Minutes of the Council. And all those transactions that have so much aspersed me, have not added sixpence to my fortune, and I can most truly say to your Lordships that if the malice of those persons prevails, I shall beggar myself and family, by my post, which as yet has not answer'd the charges of transporting and settling 'em here. Mr. Robert Cuningham of St. Christopher's has threaten'd to complain of me to your Lordships for haveing accepted of 100,000 lb. sugar from the Assembly, and for imprisoning him, and refusing to bail him, for opposing that grant, as he pretends. Your Lordships will observe by the Minutes of the Council of St. Christophers that the Assembly and Council first had it under their consideracon to provide an annual allowance, to accomodate me, when I visited this Island, but afterwards chang'd their resolution, and agreed to raise a sum at once to make an apartment for me, which might serve for the whole time of my Government. Sugars soe levyed are the worst that can be imagined, such dirty molossus, or soe moist, that a cask can't hold 'em, and never worth above 8s. per hundred. And I hope your Lordships won't think £400 (the value of the sugar mentioned) in this country where materials for building, labour, and furniture, are at such an excessive rate, to be an extraordinary computation to make a decent lodging. The cause of Mr. Cuningham's comitment will appear to your Lordships upon view of the Minutes of Council to have been that upon several informations upon oath it appear'd to the Governor and Council, that he by his practices had disturbed the quiet and endanger'd the surprizing of H.M. Colony by the comon enemy, and was therefore comitted by order of the Governor and Council, and by the opinion of the said Council, bail was for that time denyed him. Upon which I departed from the Island, and left it to his choice to be try'd at St. Christophers or in Britain. All things look joyfull here upon the approach of peace, which wee eagerly hope will succeed the hapy cessation of armes. *Signed*, Walter Douglas. *Endorsed*, Recd. Feb. 12th, Read July 14th, 1713. 3 pp. [C.O. 152, 10. No. 3; and 153, 12. pp. 96-100.]

Nov. 5.  
Charles Fort  
in St.  
Christophers.

**128.** Robert Cunynghame to the Council of Trade and Plantations. *Repeats* complaints and requests of Sept. 13, etc. On the 3rd inst. was General Sessions, which adjourned to the



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24th. I have heard of no charge against me, etc. Were I a criminal, should long ago have been indicted, etc. It has bin given out that 'tis my fault I continue a prisoner, and that I may go hence when I please, for that nobody will stop me, as I was committed by General Douglas so I do expect by some lawfull authority to be discharged, least I meet with the like treatment as a young man of this Island named James Dixon, who being troublesome in his drink was confined upon one of the Militia Guards, where continuing some hours and that a brother of his came to see him, what induced him to it I cannot tell, but he bid the guard good night, and was going off with his brother, one of the guard, who was neither corporal nor sentry, takes his gun and shoots him down, who after having languished some dayes dyed of the wound. Lt. Governor Lambert calls a court-martial, and brings the murderer to a tryal, the Court as ignorant as himself, acquits him as having done his duty, this I add to the charge I have given against the said Lt. Governor, etc. *Signed*, Ro. Cunynghame. *Endorsed*, Recd. 19th, Read 20th Jan., 17 $\frac{1}{2}$ . 1 $\frac{3}{4}$  pp. [C.O. 152, 9. No. 151; and 153, 12. pp. 64, 65.]

Nov. 6.  
Antigua.

**129.** Edward Perrie to Rowland and William Tryon. *Refers to sailing of* "three of Mr. Douglas his affidavit men, Lyndsey, Oglethorpe and George French, the first was formerly a servant to our Lt. General, who like an ungrateful villain is now made use of as a tool by our General, etc.; the second a broken rascally fellow that marryed the widow of Tempest Rogers (formerly a notorious pyrate) and has been one of the Marshal's men of this Island, and a person of a very scandalous life, an humble trout to our late deceased Parke, and a most obedient servant to all Douglas commands, and the third a notorious rank inveterate Irish papist; that is marryed to an old antiquated whore of the same stamp, and a fellow fit to receive any impressions to qualify him for the great errand they are now all going upon, which is to do our Lieutenant General's character all the injury they can and to wound poor Mr. Kerby, Mr. Mackinen and Col. Watkins in the most sensible parts etc. They are men of that infamous order, else they would never have sworn that my worthy freind Coll. William Thomas and I were the contrivers of Parke's death, when he was at that time and 14 months before in England and I at the same time and for 8 months before in Barbados, and each of us alike ignorant of that action, etc. God send us a good deliverance from this second monster of iniquity. We have neither of us done him any harm and purely because we will not fall in with his base abominable practices he makes use of these improbable falsities to asperse our characters," etc. *Signed*, Edwd. Perrie. *Copy*. 1 $\frac{3}{4}$  pp. [C.O. 152, 42. No. 92.]

[Nov. 6.]

**130.** Affidavit of Sir James del Castillo, knight, as to the money owed to Charles Knight etc. (v. Aug. 14, Nov. 7). Governor Sir W. Beeston at the instance of deponent and the merchants sent a ship of war several times to the then President and Governor of Panama, but could neither obtain the money

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nor that Portio should be sent to Jamaica to give satisfaction himself, *etc.* *Signed*, James del Castillo. Oct. 5th, 1709. *Endorsed*, Recd. Read Nov. 6, 1712. 5 $\frac{3}{4}$  pp. [*C.O.* 137, 9. No. 72.]
- Nov. 6.  
Boston. **131.** Governor Dudley to [*? the Earl of Dartmouth*]. *Acknowledges* letter of Aug. 21. I have made the Proclamation publick, *etc.* (*v.* Dec. 2). *Signed*, J. Dudley. 1 p. [*C.O.* 5, 898. No. 25.]
- Nov. 7.  
Whitehall. **132.** Council of Trade and Plantations to the Lord High Treasurer. *Request* payment of enclosed account of office expenses and salaries, Lady Day to Michaelmas, 1712. [*C.O.* 389, 37. pp. 52-64.]
- Nov. 7.  
Whitehall. **133.** Council of Trade and Plantations to the Queen. Report on the petition of Mr. Knights and other Jamaica merchants relating to a debt due to them from the Assiento (*v.* Aug. 14th). We find that the Spanish Ambassador represented to H.M. in 1690 that Don Nicholas Portio had made a contract with the then King of Spain for furnishing the Spanish West Indies with negroes, and that Sr. James del Castillo, Chief Agent of the said Portio at Jamaica, had contracted with the Royal African Company and other of your Majesty's subjects, for such negroes as they shou'd want, and therefore pray'd that H.M. wou'd give directions that such ships and persons as shou'd be employed for buying such negroes shou'd receive protection at Jamaica [*v.* C.S.P. 1690, No. 760.] *Refer to affidavits etc. given Aug. 14 and Nov. 6, supra.* The greatest part of the money due to petitioners for negroes imported is said to be in possession of the President of Panama and the Governor of Carthagena. *Propose* that H.M. give instructions to her plenipotentiaries that they endeavour to procure satisfaction for petitioners, *etc.* [*C.O.* 138, 13. pp. 404-407.]
- Nov. 7.  
Nevis. **134.** Lt. Governor and Council of Nevis to the Council of Trade and Plantations. *Return* thanks for bounty in aid and enclose list of sufferers resettled, as sworn before the Council, *etc.*, "which wee hope may finde a kinde reception at your honourable Board, and be timely there to dissipate the doubts of many, that fear the meaning of the Act is, that the proof made here ought to be before your Lordships before Dec. 25th, if such be the meaning of the Act, and this doth not come in time, wee most humbly beseech your Lordships to interseed for us to that honourable House for some longer time to make proof, our distance from Great Brittain, and the uncertainty of winds and weather being such that some years wee receive no advice (especially in time of warr) in six months. Wee have been in every part of the list very exact, *etc.* *Signed*, Dan Smith, Richd. Abbott, J. Bevon, Aza. Pinney, Law. Brodbelt, Jno. Richardson, Jno. Butler. *Endorsed*, Recd. Read Jan. 14, 17 $\frac{1}{2}$ . 2 pp. [*C.O.* 152, 9. No. 146; and 153, 12. pp. 56-58.]

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Nov. 8.  
Craven House.

**135.** Permit from the Lords Proprietors of Carolina to Thomas Carey, etc. Whereas Thomas Carey of Carolina merchant, Callingwood Ward of Carolina planter, Levy Trewit, Edmund Porter and Geo. Lumley with others did severally at the office of the Earl of Dartmouth enter into recognizances personally to appear before us the Lords Proprietors of Carolina when summon'd and were not to depart without leave and in the meantime to be of good behaviour, and whereas they did several times so appear, their petition to be discharged and permitted to return is granted, they having been detain'd above 14 months from their families in North Carolina, and there having been no accusation brought against them, *etc.* *Signed,* Carteret, M. Ashley, J. Colleton, J. Danson. [*C.O.* 5, 290. *p.* 57.]

[Nov. 10.]

**136.** Petition of Thomas Kirby, late of Antegoa, merchant, to the Queen. Petitioner continued and appeared publicly in Antegoa for five months after the arrival of the present Governor, and then embarked openly for Barbadoes intending to return by the first opportunity after he had done his business there. Before he could meet with passage he was apprehended by order of the Governor of said Island, and by his warrant Jan. 18 sent for Great Britain charged with high treason. In Easter term last a bill of indictment was found against him for rebellion and treason. Had petitioner been seized at Antegoa, he should have been furnished with sufficient proofs that he was so farr from being an adviser or promoter of the said rebellion, that he used his utmost endeavours to hinder the people from resorting to armes or violence and after they were gathered together in armes he did in most earnest manner beseech both Col. Park and them not to carry matters to these extremitys; that as soon as he came to the Governor's house he applyed himself intirely to prevent the effusion of blood and other barbaritys usually upon such occasions, and particularly did all the offices of humanity in his power to Coll. Parke who was wounded before petitioner came to the house. By your Majesty's general pardon issued at Antego Feb. 6th, petitioner humbly conceives the offences for which he stands indicted are fully pardoned and that he is not expected [= ? *excepted*] out of the same, but as yet it has been utterly impossible for him to gett the said pardon under the seal of the Leeward Islands, nor as his [= ? *he*] is advised plead it in barr or discharge of the said indictmt. unless he shew the same to the Court under the Great Seal of Great Britain. The apprehending petitioner at Barbadoes and unexampled hardships putt upon him in his transportation from thence to Great Britain made it impossible to come prepared for his tryal in this Kingdom, the master of the sloop being sworn not only to keep petitioner in irons during the voyage, but to destroy all letters and papers that should be found on board except such as were delivered to him by the Govr's. private secretary, who would not suffer petitioner to bring with him so much as a letter of credit, whereby petitioner unless relieved by your Majty. will be subjected to great disadvantages and inconvenience in his defence contrary to your Majesty's



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directions to the present Governor of the Leeward Islands ordering him to give due notice to such persons as he should think proper to send to England to be tryed for said offences, and all manner of assistance for bringing over their wittnesses. *Prays* H.M., in commiseration of petitioner's suffering in person and estate and of his wife and three small children whose bread intirely depends upon his life, to direct that he be admitted to bayle to stand his tryal in Antegoa, or to render the general pardon effectual. [C.O. 324, 32. *pp.* 180-183.]

Nov. 10.  
Windsor  
Castle.

**137.** The Earl of Dartmouth to Mr. Attorney or Mr. Solicitor General. H.M. is graciously pleased to referr *preceding* and the affidavits annexed [*v.* Aug. 23] to Mr. Attorney or Mr. Sollicitor Generall, who is to report his opinion what H.M. may legally and properly doe therein, *etc.* *Signed*, Dartmouth. [C.O. 324, 32. *p.* 184.]

Nov. 10-  
Dec. 24.

**138.** Affidavits, according to the prepared printed form, as to the resettlement of claimants for H.M. grant in aid of Nevis and St. Kitts. [C.O. 243, 6. *pp.* 1-307; and 243, 7. *pp.* 1-603.]

Nov. 10.  
St.  
Christophers.

**139.** Robert Cunynghame to the Council of Trade and Plantations. The 7th inst. I received a letter from Lt. Governor Lambert, the substance of which was, that he was directed by the General to offer me my liberty if I please to give bail (or upon my own word) to answer my appearance when desired. My answer was, that I had my bail ready the day I was sent here (Charles Fort) and shall never flee from justice, *etc.*, the issue of which was Lt. Holland on the 8th told me I was discharged, for which he showed me the Lt. Governor's order under hand, but antedated the 6th as his letter was. I told him I thanked neither General not Lt. Governor but a good and gracious Queen, and doubted not but H.M. would do me further justice. *Returns thanks* for his enlargement and *prays* that his complaints against General Douglas and Lt. Governor Lambert may be heard. *Signed*, Ro. Cunynghame. *Endorsed*, Recd. 19th, Read 20th Jan. 1713. 1 $\frac{3}{4}$  *pp.* [C.O. 152, 9. No. 152; and 153, 12. *pp.* 66, 67.]

Nov. 12.  
Whitehal.

**140.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Encloses for their opinion the petition of Thomas Simpson and Widow Gandy (*v.* March 8th). [C.O. 138, 13. *pp.* 408, 409.]

[Nov. 18.]

**141.** Gilbert Pepper and Evelyn his wife, sister unto Daniell Parke Esq., decd., to the Council of Trade and Plantations. Thomas Kerby stands indicted in the Queen's Bench for the rebellion in Antigua and the murder of Governor Parke. He pretends to be included in H.M. pardon to the inhabitants, tho' in truth he is expressly excepted thereout as being fled from justice. *Pray* for copy of Governor Lowther's letter referring to him. *Endorsed*, Recd. Read Aug. 18, 1712. 1 *p.* [C.O. 152, 9. No. 138.]

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Nov. 19. Whitehall. **142.** Mr. Popple to Mr. Attorney General. Encloses Act past in St. Christophers. 1712, for settling the estates and titles of the inhabitants, etc., for his opinion in point of law, etc. [C.O. 153, 12. pp. 43, 44.]
- Nov. 20. Whitehall. **143.** Council of Trade and Plantations to the Earl of Dartmouth. Enclose following to be laid before the Queen.  
143. i. Report upon the petition of Alexander Skene. Recommend that Governor Lowther be ordered to restore him to his several patent places and the enjoyment of all fees etc. thereto belonging. Skene is entitled to all fees that have accrued since his suspension. Propose that if any Patent Officer be suspended in the future, the persons appointed to execute the place, give sufficient security to the party suspended to be answerable to him for the profits accruing during such suspension, in case he be restored. Set out, A.P.C. II. pp. 660-663. [C.O. 29, 12. pp. 443-449.]
- Nov. 20. Maryland. **144.** Edward Lloyd, President of the Council of Maryland, to [? the Earl of Dartmouth]. I had the honour to receive your Lordships of Aug. 21st with H.M. royall proclamation notifying the suspension of arms agreed on betwixt her and the most Christian King, which was forwarded to me by the care of Col. Spotswood from Virginia, and as your Lordp. is pleased to observe, commerce being the cheife concerne of this Province, I have caus'd H.M. said Proclamation to be published here with all possible solemnity. I observe H.M. commands signified by your Lordp. forbidding any of her subjects to be hereafter sent prisoners from the plantations to Great Britain, unless sufficient proof of their crimes be sent with them at the same tyme, and as I know of none that have ever been sent from this Province, shall take care, whilst I have the honour to preside in H.M. Councill here, to yeild strict obedience thereto. I herewith transmitt Acts of Journalls of the last session, etc. And as wee have presumed to address H.M. on this happy occasion of the suspension of arms and the pleasant prospect of an ensuing peace (which I doubt not but her tender affection for her people assisted with so prudent a good Ministry will procure for all her subjects) I am desired by the Councill and Assembly humbly to begg your Lordship will be favourably pleased to present the said Address (No. 145 ii.) to her sacred hands, etc. Signed, Edwd. Lloyd. 1½ pp. Enclosed,  
144. i. Journal of House of Delegates of Maryland Oct. 28—Nov. 15, 1712. 110 pp.  
144. ii. Journal of Committee of Accompts, Maryland, Oct. 29—Nov. 11, 1712. 30 pp.  
144. iii. Journal of Council in Assembly of Maryland Oct. 29—Nov. 15, 1712. 33 pp.  
144. iv. Copy of an Act of Maryland, Nov. 1712, against stricking or shooting sundry sorts of fish, etc. 2 pp. [C.O. 5, 720. Nos. 18, 18 i.-iv.]

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Nov. 20.  
Maryland.

**145.** Edward Lloyd to the Council of Trade and Plantations. *Refers to letter of July 15 and enclosures.* The meane circumstances the country is still in by the small value of tobaccos, their only staple commodity, occasioned their representatives to be very pressing upon me and H.M. Council to consent to the passing the Act for relieving the inhabitants of this Province from some aggrievances in the prosecution of suits at law. Upon mature consideration whereof I was very tender of lessening the jurisdiction of the Provincial Court, but it being by H.M. Council as well as the Delegates thought absolutely necessary for the peace and wellfare of the Province (to ease many unfortunate people who are often brought from the remotest parts of the Province to the Provincial Court to their utter ruin as well as loss of their creditors, might prosecute with less charge and to better effect in the County Courts, where the debtors if not able themselves are likelier to procure friends to assist them to pay their debts) I was prevayled with to assent thereto untill the next session after the arrivall of ye next Capt. Generall or Governor in Cheife, who may be more fully instructed in H.M. good pleasure. And hope in the meane tyme the short continuance thereof will be of no ill consequence. It being represented by the Delegates that a law for regulating writts of error and granting appeals from and to the Courts of Common Law in this province was absolutely necessary to regulate the practice on such writts of error and appeals, the Assembly have made such a law, and I have taken care it should not be clogg'd with any contradictory clauses relating to the Court of Chancery or Keeper of ye Seale. Several other Acts now sent being of no great consequence, but pray'd by the delegates, the Council advis'd me to assent to them, and I hope they will meete yr. Lordps.' approbation, *etc.* *Signed,* Edwd. Lloyd. *Endorsed,* Recd. June 18, Read July 13, 1713. 2 pp. *Enclosed,*

145. i. Duplicate of No. 144.

145. ii. Copy of Address of President, Council and Assembly of Maryland to the Queen. Return thanks for H.M. protection and speedy transmission of Proclamation of Peace, and congratulate Her upon the terms of peace, "putting an end to a war which has so farr affected us, that most of us are miserably impoverished and many quite ruined," *etc.* *Signed,* Edwd. Lloyd, Wm. Holland, Saml. Young, Rd. Tilghman, Jno. Dorsey, Tho. Addison, Wm. Whittington, Phile. Lloyd, Tho. Granfeild, Ch. Greenberry, Jno. Hall. R. Ungle (speaker), D. Pearce, Edwd. Scott, S. Codd, Richd. Jones, junr., Amos Garretney, Joseph Hill, Ch. Hammond, Tho. Docwra, D. Mariarte, Jno. Mackall, Jno. Leach, Jno. Brome, James Mackall, T. Truman Greenfeild, H. Percy Jowles, Wm. Watts, Kenll. Chifeldme, Phill. Hoskins, Walter Storis, John Fendall, Tho. Robins, M. Warele, James Lloyd, Wm. Whittington, Jn. Parnell, Tho. Parnell, Roger Woollford, Henry Gunnall, G. Loocker-man, H. Tripp, Saml. Northington, Jam. Frisby, Robt.



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Tyler, Tho. Sprigg, Tho. Clagett, Tho. Brooke, junr.,  
Cha. Wright, Jno. Wells, Jno. Whittington, Sol. Wright.  
*Same endorsement.* 2 $\frac{3}{4}$  pp.

145. iii. Duplicate of No. 144 iii.

145. iv. Account of arms *etc.* in Maryland 1708—Sept. 1710,  
taken by Col. Robert Finley, Commissary General.  
*Same endorsement. Parchment. 1 large p.* [C.O. 5, 717.  
Nos. 52, 52 i.-iv.; and (without enclosures) 5, 727.  
pp. 329-332.]

[Nov. 20.] **146.** Copies of Acts of Maryland referred to in preceding.  
50 pp. [C.O. 5, 721. No. 13.]

Nov. 21.  
Whitehall.

**147.** The Earl of Dartmouth to the Council of Trade and  
Plantations. H.M. having thought fit to appoint Henry Pulleyn  
Esq., to be Governor of her Island of Bermuda in the room of  
Benjamin Bennet Esq.; I desire you will order a draught to be  
prepared as usual of such a Commission and Instructions as are  
proper, *etc.* Signed, Dartmouth. Endorsed, Recd. Nov. 24,  
Read Dec. 22, 1712. 1 p. [C.O. 37, 9. No. 24; and 38, 7.  
p. 38.]

Nov. 22.  
Jamaica.

**148.** Governor Lord A. Hamilton to the Earl of Dartmouth.  
*Acknowledges* letter of Aug. 21st by the *Blandford* "which arrived  
here Oct. 24th, and Rear Admirall Walker being then in town,  
I immediately communicated to him that part relating to the  
Truce and ye encouragement of commerce, and proposed the  
sending up a friggatt to Petit Guavas, which might carry about  
100 prisoners we had at that time, and which I thought would  
be a good occasion to assure ye French Governour of our  
disposition strictly to observe ye truce, and to desire ye release  
of such prisoners as he had of ours on such terms as should be  
reasonable, and by this means to receive from him reciprocall  
assurances of their observance of ye truce on their part. The  
Admirall made no difficulty in agreeing to send up a friggatt,  
but told me, one should be gott ready with all expedition, of which  
I should have notice, and in a friendly manner he took his leave  
and left this town. I accordingly prepar'd such dispatches as I  
thought necessary upon ye occasion, but conceiving that the  
exchange of prisoners, as well as some overtures of trade between  
the two Islands, as soon as ye peace should be proclaim'd, might  
be better managed by a proper person to be sent than wholly by  
letter, and ye Capt. who commanded ye friggatt which was to go  
not having thought fit to let me see him on ye occasion, I deter-  
mined to send one Mr. Basnett, an eminent merchant of this  
Island, and accordingly deliver'd him my letter to ye Governor  
of Petit-Guavas with instructions in relation to ye prisoners, and  
a private letter in respect of trade, and gave him likewise a letter  
to Capt. Hosier, Commander of ye friggatt (enclosed) and order'd  
Mr. Basnett before he went to waite on ye Admirall to acquaint  
him thereof, who accordingly did. But, my Lord, to my great  
surprize Mr. Basnett when I thought he had been gon, return'd

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again with my letters and instructions, and a letter from Capt. Hosier, acquainting me that he could not receive Mr. Basnett on board, and ye friggatt sail'd with ye prisoners, without any letter or instructions from me in relation to them, and which being in my humble opinion an obstruction to H.M. service I thought myself oblig'd to resent, and having communicated ye whole matter to ye Councell here, and this giving occasion to them, and the Assembly then sitting to look into other matters, relating to ye Admirall's conduct here, they both almost unanimously have presented me with the two Addresses *enclosed*. I can assure your Lops. there is not anything contain'd in these Addresses but what has been prov'd beyond controversy, and that many things of like nature are omitted which might have been added, and many particulars are upon the Minutes which would be too much to trouble your Lopp. with. But as for many reasons I have thought proper (and more especially from some expressions faln from Admirll. Walker himself of his own dependance upon my Ld. Treasurer) to refer this whole matter to him, I have determin'd to submitt ye same with ye greatest deference to his Lop., to whom I have sent all the particulars in relation to this affair, and tho' I could not acquit myself without giving your Lop. a particular account of all that I had done in pursuance of your Lop.'s commands, yet I will humbly begg ye favour of you to let all differences which on my side have been unavoidable, with Admirall Walker be husht or laid before H.M., as my Ld. Treasurer shall think fit to direct." *Refers to case of David Creagh.* The Assembly as they began with a dutyfull address to H.M., so they have gon on to everything that has been desir'd of them for the support of the Government. *Signed, A. Hamilton. 2¼ pp. Enclosed,*

148. i. Duplicate of preceding, *dated* Nov. 23.

148. ii. Governor Lord A. Hamilton to the Governor of Petit Guavas. Announces the truce and offers exchange of prisoners, *etc.* *Signed, A. Hamilton, Jamaica, Nov. 3, 1712. Copy. 1½ pp.*

148. iii. Governor Lord A. Hamilton's instructions to Richard Basnett relating to the exchange of prisoners. *Signed, A. Hamilton, Nov. 3, 1712. Copy. 1 p.*

148. iv. Governor Lord A. Hamilton to the Governor of Petit Guavas. *Introduces* Mr. Basnett who will be able to concert with the French merchants measures for opening trade at the conclusion of the Peace, *etc.* *Signed, A. Hamilton, Jamaica, Nov. 3, 1712. Copy. French. 1¾ pp.*

148. v. Governor Lord A. Hamilton to Capt. Hosier. St. Jago de la Vega, Nov. 3, 1712. Requests him to receive Mr. Basnett aboard his ship. He is to negotiate the exchange of prisoners with the Governor of Petit Guavas, *etc.* *Signed, A. Hamilton. Copy. ¾ p.*

148. vi. Capt. Hosier to Governor Lord A. Hamilton. *Salisbury, Nov. 4th, 1712.* I cannot take Mr. Basnett on board without the Admirall's orders, having his

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commands how to proceed as to the exchange of prisoners, *etc.* *Signed*, F. Hosier. *Copy.*  $\frac{3}{4}$  p.

148. vii. Duplicate of *No. v.*

148. viii. Duplicate of *No. iii.*

148. ix. Duplicate of *No. vi.*

148. x. Duplicate of *No. ii.*

148. xi. Duplicate of *No. iv.*

148. xii. Address of the Council and Assembly of Jamaica to Governor Lord A. Hamilton, Nov. 8, 1712. We return our most hearty thanks to your Excellency for imparting to us the affront offer'd to you by Rear Admll. Walker (*as supra*), as also ye unkind and unhandsom expressions made use of by him both in regard to your Excellency and ye people of this Island. We are sensible that your Excellency had taken all prudent and necessary measures for H.M. service and ye encouragemt. of trade in this Island in this conjuncture, *etc.* We have had undeniable proof of severall transactions of ye sd. Admirall and some officers under his command, which we humbly conceive to be noways warrantable by the power and authority he derives from H.M. or the Lds. of the Admiralty, and inconsistent with ye undoubted rights and priviledges of the subject, and the prosperity of trade. Amongst these what is of ye greatest concern to us is to find that he has given encouragement to some of his officers not only to take off the seafaring men of the Island, but even the civil officers in the discharge of their duty, threatening to send others to Great Brittane, exempting himself and officers by extravagant positions from the power of ye law here, to ye oppression of ye inhabitants of this Island. Besides which the sd. Admirall Walker has permitted H.M. ships under his command to carry negroes and other merchdze. to trade, which practise (as we humbly conceive it to be contrary to H.M. Instructions to ye Commanders of Her ships of warr) so it must, if established, be ye ruin of all merchant traders, *etc.* We share in resentment of the Admirall's affronts to H.M. authority in your Lordship's person, and begg your Excellency to make representation to H.M. of these our manifold greivances, *etc.* *Signed*, Wm. Cockburn, Cl. Cons., Wm. Brodrick, Speaker. *Copy.*  $2\frac{1}{4}$  pp.

148. xiii. Duplicate of *No. xii.*

148. xiv. Address of the Council and Assembly of Jamaica to Governor Lord A. Hamilton, Nov. 12, 1712. The confidence your Excellency has shewn in communicating to us ye private letters you had writ to ye French Governour and ye secret instructions to Mr. Basnett, *etc.*, has laid an indispensable obligation upon us to assure you that it has sufficiently appeared to us that the Admirall has been misinformed of your Excellency's



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intentions in respect to trade and that your Excellency nor any other person with your privity had designed any other trade then what was for the generall good of H.M. subjects. Your Excellency having objected to ye men of warrs being concerned to carry goods or receive indico on board whereby to save the duty wee humbly apprehend to have been one cause of offence to them, and wee are humbly of opinion that such offers of trade as your Excellency had made to the French Governour were beneficiall and necessary to be made before ye Peace was concluded least other nations should take the advantage, and wee humbly desire that your Excellency will make such overtures for the encouragement of commerce as soon as ye Peace shall be published as your Excellency had intended. *Signed as preceding. Copy.* 1½ pp.

148. xv. Duplicate of preceding. [C.O. 137, 51. Nos. 66, 67, 66 i.-xiv.]

Nov. 22.  
Jamaica.

**149.** Governor Lord A. Hamilton to the Council of Trade and Plantations. The Assembly mett as I acquainted your Lopps. was intended, *etc.* The late hurricane having done a good deal of damage to publick buildings, and the sending out spy-boats and other publick service in time of martiall law having occasion'd a further extraordinary expence, I found myself again obliged to desire a reimbursement of ye Revenue and have obtain'd another appropriation of £2000. All other necessary funds have been provided for and they have past two Acts for the service of the country, both which your Lopps. will perceive carry a good intention and I think cannot fail of H.M. approbation. I have herewith sent your Lopps. the Journalls of ye Councell and Assembly together with the transcripts of ye four Acts past this session, and at the desire of the Assembly I have likewise sent transcripts of some Acts past the last session under ye Governmt. of my predecessour, which they have had advice were sent to your Lopps. without ye seal of ye Island. My Lords, this advice was communicated to them by Mr. Peter Beckford in two paragraphs of letters which he had recd. from Mr. Whitgift Aylmer, and which being a little extraordinary in their kind I have here inclos'd. The Councell were indeed of opinion that ye whole letters ought to be seen and made an order accordingly. But Mr. Beckford being gon to Leeward they have not yet had an opportunity. These paragraphs were shewn to ye Assembly by Mr. Peter Beckford as containing matters of very great grievance, and aggravated wth. all ye force he could give them to make impressions of ye neglect of ye affairs of this Island in Great Brittain, and as this gentleman with one or two more have signalized themselves more particularly this session in opposition even to the Address to H.M., and everything else which was propos'd and has been done for ye support of ye Governt. I think myself obliged to be particular concerning them in my account to your Lopps. The style in which these paragraphs of letters are wrote

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I think my Lords sufficiently denote Mr. Aylmer to be ill dispos'd towards the Governmt., wch. will the more appear to your Lopps. when you observe that ye humble representation he mentions to have proposed for ye misfortunes (he says) this Island labours under in respect to the want of forwarding ye possession Act, is mentioned upon the 30th of December; when I myself had particularly recommended that Act; and had ye honour of your Lopps.' letter of Nov. 22nd immediately before acquainting me that it, and ye Act of fees, were under consideration, wch. I communicated to ye Assembly upon this occasion, and when by computation of time ye Act itself could not at that time have been arrived a month, which and the memoriall afterwards mentioned in the letter of May 22nd to be fram'd out of what information was to be given by Mr. Beckford from hence, without any application ever made to me by either of them, or any (as I suppose) to your Lopps. discovers a correspondence that in my humble opinion is prejudiciall to H.M. service, and therefore I make no doubt but ye persons concern'd in it will meet with your Lopps.' discountenance. But my Lords you will observe upon ye Journalls of Councell and Assembly a matter of much greater importance than this has happen'd this sessions, and which forc't me with much reluctancy to an open difference wth. Rear-Admirall Walker. Your Lopps. will see there what has been the occasion and what ye result, and I assure your Lopps. there is not anything mention'd in the Address to me, or in any of ye resolutions of the Councel and Assembly, but what have been unquestionably prov'd, on the contrary many things of like nature have been omitted which might have been added. But as I myself (tho' personally in many instances affronted) as I have ye honour to be Governour of this Island, shall allways preferr H.M. service to any private resentmt. and as I have been unwillingly forc't to complain, so I have submitted ye whole matter with the greatest deference to my Lord Treasurer and have given him a full account of all particulars wch. I thought most material and which being mostly contained in ye Journalls of ye Councell and Assembly I need not here repeat. But as I think I may venture to conclude yt. Admirall Walker has acted with very great indiscretion, so nothing has more surprized me than to have found particular friendships and intimacys made by him with Mr. Beckford, Mr. Totterdale and Mr. Carver, during ye whole time of this Assembly, who have been ye only men who have oppos'd all measures for ye support of ye Governmt., and who were ye onely men wth. one Mr. Pugh of no great consequence, who were against ye Address in relation to him, and ye same who were against the Address to ye Queen, and therefore my Lords it's pretty naturall for me to conclude that their opposition to me has recomended them to him, and may not unlikely have contributed to his own miscarriages. But to give your Lopps. instances of these men with regard to the Queen's service, you will find upon ye Journall when the Address was under deliberation to congratulate H.M. upon ye prospect of ye Peace, Mr. Carver had ye insolence to say at a conference he was not for such

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flatterys and false shams to ye Queen, etc., and your Lopps. will see ye reason upon ye Journall why he was not expell'd for it, as also ye occasion upon which Mr. Totterdale was expelled, tho' of this gent. and Mr. Beckfords I might reffer your Lopps. to ye accots. given of them by my predecessour, and which I find by experience he had but too much reason for. Yet I must not omitt acquainting you that ye younger Beckford just at ye close of ye Assembly, had like to have murdered Mr. Tho. Wood (who had given some testimony at a Committee of ye House upon their requireing itt, and wch. it seems, Mr. Beckford did not like) which was complained of to me in ye Councell, and for which I immediately sent for Mr. Beckford, where before us all he own'd ye matter charg'd upon him, and with very indecent carriage justified it as a matter of gallantry. Whereupon by ye unanimous advice of the Councell, I oblidg'd him to enter into recognizance before ye Cheif Justice, wth. securitys for his good behaviour, and yet ye next morning not without very ill manners, he came to tell me yt. there was no law for ordering a man to be bound over unless somebody had sworn ye peace against him and for this he would complain in England and desire justice there. My Lords, I should think myself too long detaining your Lopps. upon these particular persons but upon such kind of transactions, I hope your Lopps. will allow it material and whilst, I think I may say, I am generally possesst of the goodwill of this country, as what your Lopps. will now see done may be an argument of, and yt. ye inhabitants of this Island are generally well dispos'd for H.M. service, and ye honour and support of ye Governmt., your Lopps. will please to favour me with your advice, what kind of discouragement is fitt to be given to such incendiarys, that under ye clemency of a Governmt. it may not at any time be in the power of two or three persons to disturb ye quiet of it, and I find encouragemt. will not do with all tempers, for I had put all these persons into ye Commission of ye Peace, and shewn them an equal countenance to any others, but to no purpose. I must begg your Lopps. for the satisfaction of the generallity of ye Island to forward ye bills transmitted, and particularly the bill of fees, and quieting possessions, which are allways made use of for a handle to raise discontent, tho' I have told them the Island can thereby receive no inconveniency, they having the full enjoyment of bills till they are rejected by H.M. Amongst those of a former session supposed to have been sent without ye seal is ye bill for separateing publick offices concerning which I took ye liberty in my letter of March 8th to give your Lopps. my thoughts, and to propose ye disapprobation of it. I think if what I said to it, had any weight it will not have less now than at that time, but rather more. However as I shall allways deal ingenuously by your Lopps., I shall observe to you what has since happen'd and what I find to be the main drift of this Act. Your Lopps. will see in the Minutes of ye Assembly a message to me and the Councell in relation to Mr. Rigby's executing ye Secretary's office, whilst another executes ye Provost Marshall's of which he is pattenree which Mr. Beckford



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and Mr. Totterdale clamour at, as being contrary to this Act. I find the opinions are different whether it's so, or not, and those for Mr. Rigby, say, that he executes but one office which the Act was made to provide against and he acts as Secretary, and Mr. Nicholls as Provost Marshall by appointment of ye Government, and that ye country are only concern'd in ye execution (which are entirely, and to all intents and purposes seperated) and that ye proviso in ye Act still warrants a deputation by any pattentee, who has a right to depute. Whether this be a right way of argueing or not I won't determine. But I will venture to tell your Lopps. if this Act don't get Mr. Rigby out of that office it won't content those gentlemen (and I believe everybody else will be contented as it is) and this for no other reason that I can tell, but because Mr. Rigby is usefull to ye Governmt. and has capacity as well as inclinations to serve ye Queen, wch. I think with submission ought to be a requisite in persons who enjoy offices of H.M. gift, and your Lopps. may please in this gent's favour to observe that whilest they are aiming at him, they have not been able to charge him with ye least miscarriage but must, to their own shame, confess that he executes ye office with better ability than it usually has been done, and therefore, my Lords, in my humble opinion I think it will be for H.M. service, and ye service of ye Island that he be continued in it. I herewith send your Lopps. ye last accots. *etc.*, and also a state of ye matter concerning an instruction relating to escheats, which I must begg ye favour of your Lopps. to lay before my Lord Treasurer, and which I therefore mention'd to him in my letter to him, and I hope your Lopps. for the concern (you will remark) it is of this Government, will take ye trouble of forwarding some determination in it, as shall appear most reasonable and necessary to my Lord Treasurer to make. If the peace be actually or likely to be concluded your Lopps. will also take into consideration what I wrote you in my last concerning some Independent Companys to be kept here, and which I hope will be thought requisite for ye reasons I there mention'd. But I have omitted one particular I think necessary to acquaint your Lopps. upon ye subject of ye escheats, and that is with respect to one upon ye list, which your Lopps. will observe much more considerable than any of the others, and is in possession of Mr. Anthony Swimer, who married ye mother of Mrs. Kuping, and by that means having long enjoy'd the esta. partly in right of his wife (now deceas'd) and partly by lease under Mrs. Williamina Kuping ye daughter, who died seiz'd without heirs; a good number of ye slaves upon the plantation are of his own purchase, and all ye children born in it belong to him, so yt. if he had been put out of the possession of it, a great many of ye slaves would have been taken away and their familys divided, and being a sugar work without a possessor to look after it would very shortly have gon to ruine, and I have therefore promised ye grant to him, to which I have been farther induc't by his having been remarkably zealous in promoting H.M. service in this Island, (ever since my entrance upon ye Governmt.), which I make no question will in your Lopps. judgment, as well

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as mine, be ye best recommendation to H.M. favour; and Mr. Swymer is able to give good security for ye payment of ye vallue into ye Treasury according to ye Act. Your Lopps. will perceive by the state of the case, that it is impossible for me to acquaint you of every particular person to whom it may be adviseable to grant ye rest. *Signed*, A. Hamilton. *Endorsed*, Reed. Jan. 16th, Read July 17th, 1713. 7 pp. *Enclosed*,

149. i. Address of the Council and Assembly of Jamaica to Governor Lord A. Hamilton, Nov. 12, 1712. The confidence your Excellency has shewn in communicating to us the private letter you had writt to the French Governour and the secrett instrucccons you had given to Mr. Basnett in relacon to trade, together with Admirall Walker's letter, and a copy of Capt. Jackson's to him, has laid an indispensable obligation upon us to assure you that it has sufficiently appeared to us that the Admirall has been misinformed of your Excellency's intentions in respect to trade, and that your Excellency nor any other person with your privity had designed any other trade than what was for the generall good of H.M. subjects. Your Excellency having objected to the men of warrs being concern'd to carry goods or receive indigo on board whereby to save the duty wee humbly apprehend to have been one cause of offence to them, and wee are humbly of opinion that such offers of trade as your Excellency had made to the French Governour were for many reasons beneficiall and necessary to be made before the peace was concluded least other nations should take the advantage. And wee humbly desire that your Excellency will proceed to make such overtures for the encouragement of commerce as soon as the peace shall be published as your Excellency had intended. *Signed*, Will. Cockburne, Cl. Councill, Wm. Brodrick, Speaker. H.E. returned thanks, *etc.* *Same endorsement.* *Copy.* 1 large p.

149. ii. Address of the Council and Assembly of Jamaica to Governor Lord A. Hamilton, Nov. 8, 1712. Wee return our most hearty thanks to your Excellency for imparting to us ye affront offer'd to you by Rear Admirall Walker in giving directions to ye Capt. of ye *Salisbury* not to receive Mr. Basnett on board with your Excellency's dispatches for Petit Guavas, as also ye unkind and unhandsome expressions made use of by ye said Admirall both in regard to your Excellency and the people of this Island. Wee are very sencible that your Excellency had taken all prudent and necessary measures for H.M. service and ye encouragemt. of ye trade of this Island in this conjuncture, *etc.* We have had undeniable proofs of severall transaccons of Admirall Walker and some officers under his command which we humbly conceive to be no wayes warrantable by ye powers and authoritys he derives from H.M. or the Lords of ye Admiralty and

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inconsistent with ye undoubted rights and libertyes of ye subject and ye prosperity of trade. Amongst these what is of greatest concern to us is to find that he has given encouragement to some of his officers not only to take ye seafaring men of ye Island but even ye civil officers in ye discharge of their duty, threat'ning to send others to Great Britain, *etc.* He has permitted H.M. ships to carry negroes and other merchandize to trade, which practice we conceive to be contrary to H.M. instructions and (if established) must be ye ruin of all merchant traders, *etc.* *Pray H.E.* to represent to H.M. accordingly. H.E. returned thanks, *etc.* *Signed and endorsed as preceding. Copy. 1 p.*

149. iii. Extract from two letters (? from *Whitgift Aylmer*) to Peter Beckford (*v. covering letter, supra*) (a) London, Dec. 30, 1711. 'Tis evident to all impartial men, yt have ye least knowledge of ye transactions of ye affairs of ye Island, that ye transmitting ye bill of fees here without ye Island's seal is such a mistake as ye world will comment upon, and it's very surprizing that all ye bills should not be seald together, *etc.* (b) None will stir to forward ye passing of ye Possession Act, *etc.* London, May 22, 1712. I hope to frame a good memorial *etc.* *Same endorsement. Copy. ½ p.*

149. iv. An account of escheats in Jamaica. *Same endorsement. 8½ pp.*

149. v.-ix. Accounts of H.M. revenue, wine licences, quit-rents, fines, forfeitures, escheats, impost, fortifications, *etc.*, Jamaica, March 25—Sept. 29, 1712. The whole *endorsed as preceding. 16 pp.* [*C.O.* 137, 10. Nos. 10, 10 i.-ix.; and (*without enclosures*) 138, 13. pp. 483-496.]

- Nov. 24. **150.** Order of Queen in Council. Approving representation of Nov. 20th, and ordering the Governor of Barbados to restore Mr. Skene, *etc.* [*C.O.* 28, 14. No. 36; and 29, 13. pp. 172-174.]

- Nov. 25. **151.** Council of Trade and Plantations to the Queen. *Reply* Whitehall. to July 28, upon the case of Mr. Poyer. Recommend as proposed by the Society for propagating the Gospel. (*v.* July 28, and A.P.C. II. No. 1168). [*C.O.* 5, 1123. pp. 60-62.]

- Nov. 26. **152.** The Earl of Dartmouth to the Council of Trade and Whitehall. Plantations. *Encloses* Mr. Strahan's memorial (*v.* Oct. 16) for their report thereon. *Signed, Dartmouth. Endorsed, Recd.* Read Nov. 27, 1712. 1 p. *Enclosed,*

152. i., ii. Duplicates of Nos. 100, 100 i. [*C.O.* 5, 1050. Nos. 54, 54 i., ii.; and (*covering letter and enclosure i. only*) 5, 1123. pp. 63-65.]

- Dec. 2. **153.** Governor Dudley to the Council of Trade and Planta- Boston, tions. Capt. Rouse in H.M.S. the *Saphire* brought my last N. England. letters (Oct. 29) to your Lordships *etc.* This comes by the *Chester*



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who brings home the mast ships, and other merchant ships that are ready ; and in your Lordships' packets are the whole year's papers *etc.* (v. Dec. 9th). About a month since by letters from Sir Nicholas Trevanion, then at Newfoundland, and a few days after, by letters from my Lord Dartmouth, brought by Capt. Graves in H.M.S. the *Dunnich*, I receiv'd the happy account of the cessation of armes, which I presently made publique, being attended therein by the Gentlemen of H.M. Councill, and Representatives of the Assembly, and the foot regiment of the town of Boston, with all demonstrations of satisfaction in H.M. good subjects, in hopes of an established peace, upon the articles in H.M. Speech referring thereunto. A copy of the cessation of armes I have sent over land to Mr. Vodriel the Governour of Canada, by some French prisoners which I sent to him last week, which I suppose will stop any further march of any parties of the enemy on that side, and I believe the peace, when it arrives will be as welcome to him, as to H.M. good subjects in these provinces. There will remayn a difficulty in the obtaining out of his hands, and the French Indians depending upon him, our many prisoners, men, women, and children, which he has long detain'd, contrary to his many promises, and thrust severall of them into nunerys and religious houses, and many more left in the barbarous hands of the Indian, some of them gentlemen's daughters, to be made heathen, and wives to the Maquas. . Notwithstanding every year I have assured him that I have returned to Canada, Placentia and Martineco, and into Europe all such prisoners of the French nation that have fallen into my hands, either by sea or land, which have been to the number of 500 or more, of this redemption I despair, unless by your Lordships' means, the French King's orders to his Governours of that part do strictly command it, and that some gentlemen from hence may be allow'd to go to Quebeck, Montreal and other parts in those Governments to search and find them out. Another difficulty will be how to govern myself, referring to the Indians in the Bay of Fundee called Kenebecks, Panobscot, Norigarock, and other settlements upon the English grounds, who have for these 60 years acknowledged their dependance upon the Croun of great Britayn, and twice since I have come hither have acknowledged their dependance upon the Croun of great Britayn and their submission to it, but presently after the warr broke out committed barbarous murders and burnt many houses in company with the French and their dependant Indians, by the instigation of the French Jesuits and priests alwayes residing amongst them, and at this time with them. These Indians are weary of the warr, having lost some hundreds of their number, and are not now left above 3 or 400 men, but we can never be assured of their fidelity, untill some English settlements be established in those eastern parts to govern them, and their priests be kept from them, which will hardly be obtain'd unless the French Governours be commanded intirely to withdraw them. In these articles I pray your Lordships' consideration, and that I may receive H.M. commands therein. It is a great mortification

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to all these tribes of the Indians, that they can have no more assistance or encouragement from Newfoundland, Placentia, Portroyall, nor any its dependencies but must travel to Quebeck for all their supplies, untill they are restored to the English friendship, which I am humbly of opinion is best to be done, both to secure the trade with them, as well as to take them of from their French dependence, or gaining them to any future assistance. I humbly submit the whole affayr to your Lordships' direction and pray to have H.M. commands, which I shall with all faithfullness persue as is my duty, in the mean time I shall bring them to as good a quiet as I can, which they are already enquiring after, at our Eastern garisons next adjoyning to them. Your Lordships will please in the accounts of stores of warr, to observe that the thousand small armes left here of the Canada expedition are divided, 100 to New Hampshire, half in the Fort and half in the Commissaryes stores, and the other 900 to this Province, 100 at the Castle, 800 in the Commissaryes stores, some few of them were lost in the soldiers' passage by sea, in their going and return, and death of some of them, as is usuall in such cases, they are disposed under the care of the Commissaryes of each Province, for the publique service, and will be kept clean, and serviceable at all times, and shall be disposed in an armory in the publique State House, which was last year burnt, but is again built in better form and will be soon finished. *Signed*, J. Dudley. *Endorsed*, Recd. Feb. 12, 171<sup>1</sup>/<sub>3</sub>, Read. July 6, 1713. 2<sup>1</sup>/<sub>2</sub> pp. [*C.O.* 5, 865. *No.* 95; and 5. 913. pp. 428-434.]

Dec. 3. **154.** Lords Proprietors of Carolina to the Earl of Dartmouth.  
Craven House. We have been informed that Colonel Nicholson is preparing to go by virtue of H.M. commands as a Commr. for inspecting into the affairs of H.M. Colonies in North America. We desire your Ldsp. would please to inform H.M., that we most humbly beg her royal permission that he may make an enquiry into the occasion and the original causes of the late disorders and tumults in North Carolina, and that he may report the same to us, whereby we may be better enabled to lay the same before H.M. in order to receive her royal commands in that affair. *Signed*, Carteret, M. Ashley, J. Colleton, J. Danson. Fulwar Skipwith *for* Lord Craven. 1 p. [*C.O.* 5, 9. *No.* 19.]

Dec. 3. **155.** The Earl of Dartmouth to the Lords Proprietors of  
Whitehall. Carolina. *Reply to preceding.* Col. Nicholson's instructions having been prepared by directions of my Lord Treasurer and issued out of his office, I have conveyed your request to his Lopp. [*C.O.* 324, 32. p. 188.]

Dec. 3. **156.** Lords Proprietors of Carolina to Edward Hyde, Governor  
Craven House. of N. Carolina. There having been a very extraordinary paper laid before us wch. is attested by one Newby to be a copy of a warrt. sign'd by you for the commitment of Low, we think it proper to acquaint you that we hope for your credit that it is false, tho' we have great reason to believe it true; the liberty of

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a subject is too tender a point for us to be dilatory in and nothing but so great a concern as that cou'd make us incline to suspicions ; however, till it's more effectually prov'd we will continue to hope out of kindness and respect for you that this matter has been wrongfully represented and we shal say no more at present than that it is too probable that we already have the true acct. in all warrts. of commitments the crimes of the party must be specify'd or else upon bringing a habeas corpus he must be discharged, nor can the party be confin'd during the pleasure of him who commits him, but the form must be to keep him in custody till he be deliver'd by due course of law, these omissions if true are highly reflecting upon the understanding as well as the justice of a Govr. We do therefore expect that you take care forthwith that these matters be set in a true light and that you clear yourself if possible which will be a great satisfaction to your assured friends and humble servants, *Signed*, Carteret, M. Ashley, J. Colleton, J. Danson. *Memo.* It was agreed by the Duke of Beaufort and my Lord Carteret that this letter should not be sent. [*C.O.* 5, 290. *pp.* 58, 59.]

Dec. 5. **157.** Agents for the sufferers at Nevis and St. Christophers to the Council of Trade and Plantations. Pray for a speedy issue of the debentures for the grant in aid, *etc.* *Signed*, Ste. Duport and 21 others. *Endorsed*, Recd. Read Dec. 12, 1712. 1 *p.* [*C.O.* 152, 9. *No.* 140.]

Dec. 6. **158.** Copy of H.M. warrant to the President of the Council, Windsor. or the Commander in Chief of Maryland for using the new seal of that Province. *Countersigned*, Dartmouth. *Endorsed*, sent to the Earl of Dartmouth, May 13, 1712. 1½ *pp.* [*C.O.* 5, 717. *No.* 49 ; and 5, 727. *pp.* 316-318.]

Dec. 6. **159.** Similar warrant to the Governor of Virginia. *Endorsed*, Windsor. April 10th, 1713. 2 *pp.* [*C.O.* 5, 1316. *No.* 93 ; and 5, 1363. *pp.* 480, 481.]

Dec. 6. **160.** The Queen to Governor Spotswood. Sending a new Windsor. seal of Virginia with instructions for using the same and breaking Castle. and returning the old one. *Countersigned*, Dartmouth. [*C.O.* 324, 32. *pp.* 189, 190.]

Dec. 6. **161.** The Queen to the President of the Council of Maryland. Windsor. With new seal of Maryland. *Countersigned*, Dartmouth. [*C.O.* 324, 32. *pp.* 190, 191.]

Dec. 9. **162.** George Filson to Mr. Popple. My Lords the Commrs. Whitehall. for Trade in their report concerning the Island of Cap Breton of April 5th last, say that Island has always been esteemed as part of Nova Scotia, and included in that Government. Pray will you please to inform me what proofs you have of that matter that I may acquaint my Lord Bolingbroke with them, who desires to know upon what grounds that position is founded.



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*Signed*, Geo. Filson. *Endorsed*, Reed. Read Dec. 10, 1712. 1 p. [C.O. 217, 1. No. 2; and 218, 1. p. 31.]

Dec. 9.  
Boston,  
New England.

**163.** Governor Dudley to Mr. Popple. *Encloses* the year's papers. *Continues* :- My papers from Hampshire are not in so good order as from the Massachusets, nor do I know how to have it better. The Secretary's salary is but £20 per annum, and his other profits, and benefits will hardly feed and support him, and the Province is so little I know not how to make it much better, and they have no good example from the greater province, who give Mr. Addington but £50 per annum, when most of the other Secretary's offices in the West Indies are worth £500. We are all pleased with the cessation of armes in hopes of a perfect and well establish'd peace, and shall then return to our naval stores, and iron and copper with all application, to make ourselves more serviceable to our Mother then ever we have been during the warr, *etc.* *Signed*, J. Dudley. *Endorsed*, Reed. Feb. 12, 17 $\frac{12}{3}$ , Read July 6, 1713. 1 p. *Enclosed*.

163. i. Duplicate of C.S.P., 1712. No. 375 i. [C.O. 5, 865. Nos. 96, 96 i.; and (without enclosure) 5, 913. pp. 434-436.]

Dec. 9.  
Boston.

**164.** Governor Dudley to [! the Earl of Dartmouth]. *Acknowledges letter of August 28 etc., received yesterday.* I shall carefully and strictly obey it, in letting all H.M. good subjects know their duty and benefit thereby. By the *Success* that brought these letters, I receiv'd also letters for Governour Hunter, which I immediately dispatched, and letters for M. Voderil *etc.* (v. Dec. 2). The other letters to Mr. Costabel at Placentia are not possible to be gotten thither till the winter be abated, *etc.* *Signed*, J. Dudley. 1 p. [C.O. 5, 898. No. 26.]

Dec. 9.  
Whitehall.

**165.** Mr. Popple to Mr. Attorney General. The parish church of St. Thomas in Nevis having been burnt by the French, when they took the Island, is valued by the Church Wardens, and returned by the Commissioners to be a loss of £838, and the said church being now about to be rebuilt, the Lords Commissioners of Trade desire your opinion, whether that ought to be deem'd a resettlement, that they may have their share of the bounty, *etc.* *P.S.*—There is another church at Nevis in the same case, as also one or two at St. Christophers, and I am to desire your answer hereunto as soon as possible. [C.O. 153, 12. pp. 45, 46.]

Dec. 10.  
Whitehall.

**166.** Mr. Popple to Mr. Filson. *In reply to No. 162*, their Lordships send you a copy of their minutes of April 4th, when they made their report. At the same time Coll. Nicholson produced a copy of ye passes granted by Mons. Subercase, wherein he stiles himself Governour of L'Accadie, of Cape Breton Islands, and lands adjacent, from the Cape Roziers of the great River St. Lawrence, as far as the east part of Kennebec River: the original of one of which passes Col. Nicholson has this day

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informed their Lordships, is now in the hands of Major Mullins (who is at present at Winchester) and which pass Col. Nicholson has seen. *Signed*, Wm. Popple. 2 pp. [C.O. 217, 31. No. 9; and 218, 1. pp. 32, 33.]

Dec. 12.  
Jamaica.

**167.** Governor Lord A. Hamilton to the Council of Trade and Plantations. I inclose a duplicate of my last, which was but of Nov. 22nd, and was so full that I should not need have troubled you again so soon had not I thought it absolutely necessary for H.M. service to inform you of Rear Admirall Walker's conduct since that time. I was the less particular on this subject in my last by reason that the most material passages were upon the Journalls, and because I had given a more exact account of ye whole to my Lord Treasurer who, I imagin'd (if he thought proper that the matter should be farther enquired into) would refer ye whole to your Lopps.' examination. *Encloses* copy of the Admirall's letter, Nov. 15, wch. I received in answer to one I thought of some consequence to H.M. service, and wch. I confess at that time rather surprized me as ye effect of some sudden passion and resentment, than convinced me of an intention to reject all further correspondence for carrying on H.M. service, which I concluded would in cooler thoughts be preferr'd to all other considerations. But my Lords I had immediately an occasion to find I was mistaken, for having prepar'd my dispatches for my Lord Dartmouth, and your Lopps., which are gon by ye *Scipio*, and hearing a report that a friggat was shortly to be sent, I wrote to ye Admirall the enclosed letter of Nov. 23rd, which I send to your Lopps., in the manner it was returned to me again, together with a deposition of Thomas Waite, who carryed it to the Admirall, and ye *Scipio*, and other Bristoll ships being then ready to sail, I determin'd under the uncertainty I was left as to ye sailing of a friggatt, to send away the packett I had then prepared. Tho' your Lopps. will observe the letter which has been thus sent me back unopen'd by the Admirall will have been of little moment unless the *Scipio* should have miscarried, yet being directed on H.M. service, I think my Lords the slight to me is lost in that consideration, and gives just apprehensions of ye greatest inconveniencys from so rash a conduct; since this has happen'd I have had advice of severall privateers, wch. infest ye trade and ye coast under Spanish commissions. One has chased a trading vessell almost in sight of H.M. ships in harbour and ye same, or another, has lain for severall days off Withywood and taken two or three sugar drogers and severall boats, and cannoes, and all I have been able to do, has been to order ye persons who gave ye information, to inform the Admirall likewise. I have also thought it for H.M. service at ye request of the Councill and Assembly, to send up a Flag of Truce to Petit Guavas to take such measures with that Governor as may prevent the encrease of privateers under Spanish commissions. The *Salisbury* is since return'd, and neither the Admirall nor the Commander, have given me any accot. of what has been done, or what prisoners he has brought. I am told by others there is

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about 17, but if there be inhabitants of the Island among them, I must look upon them as press'd aboard, with ye many others who have been before. I enclose three other depositions (and had I given encouragement to such numbers might have been had of this kind) but I have allways rejected things of this nature, unless either the Queen's service or some right of an inhabitant was concern'd. And truly my Lords I am apprehensive there has not been a justifiable occasion for ye seisure of this sloop of Mr. Perkins, at least I am sure there has not been, for threats to seize all other vessells which he shall send, and which have been used both with respect to him and other traders. I cannot neither conceal from your Lopps. that there has not been that dilligence used in fitting out of ships and rend'ring ye squadron serviceable, since Rear Admirall Walker has commanded here, as might have been, both the ships and ye sloops have lain too much in ye harbour for ye health of the men. And I can scarcely tell any instance when any of them have been orderd to cruize about ye Island, or convoy ye trade, unless it were a trade in which themselves were principally concern'd and it is now confidently reported (for I can only tell your Lops. reports concerning the squadron) that the Admirall is going down to Blewfields which is ye westermost part of ye Island, with all the ships, and in which, if true, H.M. service must be intirely forgott. I acquainted your Lopps. that I had submitted everything with respect to the Admirall to my Ld. Treasurer; and I am still desirous his Lop. should do in these matters as he thinks fitt, and am unwilling to give him farther trouble in new relations. But as I regard your Lopps. as the patrons of H.M. Colonies etc., I should be unjust to the charge I am intrusted with, if I did not propose it to your Lopps. as my humble opinion that it is necessary for H.M. service, and ye welfare of this Island, that Rear Admirall Walker be forthwith recalled. And I hope if my Lord Treasurer should reffer these matters to your Lopps. with any sort of recriminations alledged by the Admirall, in which as I cannot in ye least particular accuse myself, so neither can I be forearmed, your Lopps. will do me ye honour to advise me of them and in the meantime put the most favourable construction on my actions, etc. *Signed*, A. Hamilton. *Endorsed*, Recd. Feb. 2, Read July 17, 1713.  $3\frac{1}{2}$  pp. *Enclosed*,

167. i. Governor Lord A. Hamilton to Sir Hovenden Walker, Rear Admiral of the White. St. Jago de la Vega, Nov. 23, 1712. Enquires when he intends to send a ship for England, etc. *Signed*, A. Hamilton. *Endorsed as preceding*. *Sealed*.  $\frac{3}{4}$  p.

167. ii. Deposition of John Rolfe of Port Royal, Nov. 28, 1712. At the house of John Warner, Judge of the Admiralty, deponent heard Capt. Chamberlin, H.M.S. *Monmouth*, tell Thomas Perkin that he would keep his sloop in spite of his replevin; that he would detain the Provost Marshal or the Governor himself if he came on board to serve it; and that there was no law or justice in this Island. *Signed*, John Rolfe. *Endorsed as preceding*. *Copy*. 1 p.



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167. iii. Deposition of Jeremiah French and Edward White, mariners. Corroborate preceding. *Same endorsement. Copy. 1 p.*
167. iv. Deposition of George Sharpless, Depty. Marshal, Nov. 25, 1712. When deponent delivered to Capt. Chamberlain the replevin referred to (*No. ii.*), he threatened to put him into ye bilboes, *etc.* *Signed, George Sharpless. Same endorsement. Copy. 1 p.*
167. v. Deposition of Thomas Waite, St. Catherines, Nov. 24, 1712. Deponent delivered the letter (*No. i.*) to Rear-Admiral Sir H. Walker who returned it to him unopened. *Signed, Tho. Waite. Same endorsement. Copy. 1 p.* [*C.O. 137, 10. Nos. 11, 11 i.-v. ; and (without enclosures) 138, 13. pp. 497-503.*]

Dec. 12.  
Whitehal.

**168.** Mr. Popple to Mr. Attorney General. *Encloses, for his opinion in point of law, Act of Jamaica, July, 1711, for the further quieting possessions and preventing vexatious suits at law. I am to observe to you, that in 1709, a law with the same title was past at Jamaica and repeal'd here by H.M. for the reasons given by Sir James Montague, then Attorney General, copy inclosed. [C.O. 138, 13. p. 412.]*

Dec. 16.  
New York.

**169.** Governor Hunter to the Council of Trade and Plantations. Besides what is contain'd in the inclos'd duplicate of what I wrote by the *Dunwich*, I am now to inform your Lordships, that the Assembly after having insisted upon the Council's having no right to make amendments to money bills notwithstanding of your Lordps.' judgment communicated to them, and haveing offer'd no bills for support of Government, but such as they well knew could not pass, being expressly against the terms in my Instructions, they adjourned themselves for a fortnight and not meeting at the time appointed, I adjourned them from day to day during a fortnight longer, when there being eleven and the Speaker assembled, they sent me a message by two of their members to inform me of their number, and that they did not expect any more, signifying their desire by word of mouth for a recess during this winter season, which I was obliged to grant, they not being a number sufficient to act as a house, and accordingly prorogued them till March 25th next. If your Lorps. wanted anything further to convince you, that there is no hope of any support of government from them, unless H.M. will be pleas'd to putt it entirely into their own hands these proceedings would be sufficient. But to shew you to what mean shifts they are forced to have recourse, I here venture to inclose their address to H.M. brought to me in the votes of the day, under the hand of their own Clerke. It is impossible they can conceive any hope of amusing H.M. with the pretence of their being misrepresented, their own Minutes of proceedings sufficiently evidencing the truth of all that hath ever been represented by me or the Council here, but to amuse the people who feel the expense of their frequent, long and fruitless sessions heavier then a just settlement

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would prove. Your Ldps. had long agoe that Bill for *establishing an Agency for New York*, for which they addresse, and which amply enough explains their intentions. I cannot resolve upon meeting the Assembly in the Jerseys untill I know H.M. pleasure with relation to the Council of that Province, foreseeing nothing but inevitable confusion. Mr. Sonmans since his having imbezel'd the records has thought fit to retire to Pensilvania, where he diverts himself with printing and dispersing libels against the Government here. The Palatins continue upon the grounds where I have planted them, so that we have them at hand when H.M. shall think fit to resume the design, and require the performance of their contract. The Indians are at home and quiet, having return'd from their Expedition without effecting anything, being divided among themselves. The Missionary for the Mohacks is gone thither. I have heard nothing from him since he hath been there. My numbers are much too few for the numbers of garrisons. I have not heard of late from the undertakers of the Fort at Onondague by reason of the season of the year, which makes me conclude that they have met with no opposition as it was apprehended. I shall send by the two frigates now under sailing orders all the Acts past in these last sessions, and can venture no more by this uncertain conveyance. I hope your Ldps. can safely bear me witness that H.M. hath not a subject who hath serv'd Her with a more firm and disinterested zeal, and I assure you she has not one in a more deplorable situation. *Signed*, Ro. Hunter. *Endorsed*, Recd. Jan. 26, Read March 11, 17 $\frac{1}{3}$ . 2 $\frac{3}{4}$  pp. [*C.O.* 5, 1050. No. 59; and 5, 1123. pp. 80–83.]

Dec. 16.  
N. York.

**170.** Governor Hunter to Mr. Popple. *Refers to preceding.* It is not credible that the Ministry after what is past can flatter themselves that anything is to be done on this side. You will be able to inform me whither they have any inclination to apply the proper remedy. This I beg of your friendship that I may take my measures accordingly, for I would shun if possible the danger of being a prisoner for life. The Lords of Trade have I find in every thing done me justice, for which they shall have my pray'rs and thanks whilst I live which is all I have left to give to any body, *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. Jan. 26, Read March 11, 17 $\frac{1}{3}$ . *Addressed. Holograph.* 1 p. [*C.O.* 5, 1050. No. 61; and 5, 1123. p. 86.]

Dec. 16.  
New York.

**171.** Governor Hunter to the Earl of Dartmouth. *Refers to enclosure.* It would be but a peice of violence offered to your Lordps'. generous nature to repeat my sufferings, *etc.* *Signed*, Ro. Hunter.  $\frac{3}{4}$  p. *Enclosed*,

171. i. Copy of No. 169.

171. ii. Journal of General Assembly of New York, Aug. 25—Nov. 1, 1712. *Printed.* 14 pp. [*C.O.* 5, 1091. Nos. 81, 81 i., ii.; and (*duplicate*) 82.]

Dec. 16.  
St. James's.

**172.** The Queen to Governor Lowther. Upon consideration of the petition of Alexander Skene and the report of the Council

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of Trade etc. Wee do hereby order you upon pain of our highest displeasure immediately to restore him to his places, and that he be allowed all the fees and profitts that have occurred since his suspension to the time of his being restored, *etc.*, as Nov. 24 *q.v.* *Countersigned*, Dartmouth. [*C.O.* 324, 32. pp. 193–198.]

Dec. 18. **173.** [*John Campbell and Stephen Duport*] Agents for the sufferers at Nevis and St. Kitts to the Council of Trade and Plantations. Some of the sufferers of Nevis resettled at St. Kitts and vice versa before Dec. 25, 1711, and never returned. Such are not precisely within the letter of the Act, (tho' the equity seemed to be with them). *Endorsed*, Recd. Read Dec. 18, 1712. 1 p. [*C.O.* 152, 9. No. 141.]

Dec. 18. **174.** Mr. Popple to Mr. Attorney General. *Encloses preceding* for his opinion, as soon as possible, "Christmas Day (being the last day that any proof can be made) drawing now very nigh." [*C.O.* 153, 12. pp. 47, 48.]

Dec. 18. **175.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to queries arising from enclosed Memorial.* Mr. Ball and Company may be explained by affidavits, and it being proved that Burryan and Garnet were partners with Mr. Ball and that they have resettled, they will be entitled to a share of ye bounty. What they receive will become part of ye estate in partnership, *etc.* *Signed*, Edw. Northey. *Endorsed*, Recd. Read Dec. 22, 1712. *Enclosed*,

175. i. Petition of Samuel Ball and John Bourryan to the Council of Trade and Plantations. *Petitioners* John Bourryan and John Garnett, decd., were inhabitants of St. Kitts, trading in goods sent to and from their partner, Saml. Ball in London, and resettled there. Their losses by the French invasion were returned by the Commission as 5550*l.* 18*s.* 6½*d.* in the name of Saml. Ball and Company. *Pray that* they may have their due share of the bounty, *etc.* ¾ p. [*C.O.* 152, 9. Nos. 142, 142 i.; and 153, 12. pp. 48–51.]

Dec. 18. **176.** Governor Lord A. Hamilton to the Council of Trade and Plantations. As my duty requiers of me I shall allways endeavour to give your Lopps. ye latest advices and accots. of transactions here that I possibly can. But Sir H. Walker having thought fitt to break off all further correspondence (*v.* Dec. 12) I am altogether unacquainted ye times of convoys, sailings *etc.*, which occasions my being obliged to trouble yr. Lopps. with different letters by ye same conveyance, having closed my dispatches ye 12 inst., on wh. day it was reported ye ships were to saile, but have hitherto been detain'd by ye Admiral. The Flag of Truce that I acquainted yr. Lopps. I had sent to Petit Guavas is now return'd and ye Comte D'arguyan, Governor of that place, has sent another with an officer here. The prisoners and prizes taken on both sides since ye time limitted in ye treaty of suspension



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have been reciprocally restored, and that Governor has assured me that he will stricktly forbid the subjects of ye French King's in ye extent of his Governmt. from committing any hostilitys on those of H.M. subjects under Spanish commissions as I had required of him, and he has likewise proposed to me, the suspention for four months being now expired, to prolong ye same for six months, which appears to me to be too much to take on me on my part, without H.M. directions. But I intend to propose it to ye Council as my opinion for H.M. service and for ye good and quiet of her subjects in this Island so farr to agree with ye proposition of ye French Govr. as to desist from all hostilitys on both sydes till we receive further accots. of ye intentions of our respective Sovereignes, and that ye party who shall first receive intelligence of ye actuall declaration of Peace or a farther cessation agreed on, shall acquaint the other therewith. But that if on ye contrary the Treaty of a Peace between England and France should break off (which is very little expected on either side) that however notice thereof is to be given before hostilitys shall commence. *Refers to Mr. Aylmer's letter to Peter Beckford (v. No. 149, iii.) since which ye Council took ye same into consideration, and upon debate a question was putt, which I send yr. Lopps together with ye dissent enter'd on ye Minuitts of ye Council. Yr Lopps. will be ye best judges of the sufficiency of ye reasons for ye dissent, which have not so much as been offered to be answered by ye gentlemen of ye contrary opinions, etc. Signed, A. Hamilton. Endorsed, Reed. Jan. 27, Read July 17, 1713. 1 $\frac{3}{4}$  pp. Enclosed,*

176. i. Minutes of Council of Jamaica, Dec. 12, 1712. The Council negatived a resolution by 5 to 4 that the extracts from Mr. Beckford's letters (No. 149, iii.) have a tendency unnecessarily to disquiet the minds of the people. The dissentients' reasons are entered. *Same endorsement. 3 $\frac{3}{4}$  pp. [C.O. 137, 10. Nos. 12, 12 i.; and (without enclosure) 138, 13. pp. 503-506.]*

Dec. 19. **177.** Mr. Attorney General to the Council of Trade and Plantations. *Reply subscribed at foot of part of Memorial No. 173.* I am of opinion that the Parliament gave the bounty to encourage the resettlement of the respective Islands by the old planters and inhabitants, and did not give liberty to resettle one, and leave the other destitute, therefore a resettlement to entitle any person to a share of the bounty must be in the Island, in which before the invasion the person claiming was settled either as a planter or inhabitant. *Signed, Edw. Northey. Endorsed, Reed. 20th, Read 22nd Dec. 1712. 1 p. [C.O. 152, 9. No. 143; and 153, 12. pp. 52, 53.]*

Dec. 19. **178.** Council of Trade and Plantations to the Queen. A  
Whitehall. complaint having been made from Virginia in 1709 (*q.v.*) of obstructions the Virginia traders met with in their trade with the Western Indians from the people of Carolina, your Majesty was pleased to direct the Lords Proprietors of Carolina to give orders

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to their Governor there that the said trade should be carried on without any let, hindrance or molestation whatsoever. Notwithstanding which, we are informed by Lt. Governor Spotswood that the Government of Carolina did in July 1711, pass another Act, whereby they impose the duty and all the hardships upon the Virginia Indian traders which your Majesty graciously intended to remedy by the forementioned directions. *Act enclosed.* The pretence for exacting the said duty and imposing the said hardships, is that the Virginia Indian traders in going to the Western Indians pass thro' Carolina, the boundaries whereof are not yet settled. And notwithstanding the signification of your Majesty's pleasure (March 1st, 1710) to the Lords Proprietors to appoint Commissioners to meet with others on the part of Virginia, the same has not yet been done, tho' the Lieut. Governor of Virginia has oft pressed the Governmt. of Carolina to it, they pretending they had no directions; wherefore we humbly offer that your Majesty be pleased to renew your Majesty's directions to the said Lords Proprietors that they may immediatly appoint Commissioners to meet with those of Virginia for that purpose. We humbly offer that your Majesty be likewise pleased to signify your Royal pleasure to the said Lords Proprietors of Carolina, that they immediatly (if the same be not already done) take care that the foresaid Act passed in July, 1711, so prejudicial to your Majesty's subjects of Virginia, be repealed. [C.O. 5, 1363. pp. 437-439; and 5, 1335. No. 178.]

Dec. 19.  
Boston.

**179.** Mr. Addington to Mr. Popple. Encloses public papers and acknowledges letter of June 13. *Signed*, Isa. Addington. *Endorsed*, Recd. Feb. 12, 17<sup>12</sup>/<sub>18</sub>, Read July 6, 1713. 2 pp. *Enclosed*,

179. i. List of causes heard in the Inferior Courts of Barnstable and Bristol, Mass., in 1712. 8 pp.

179. ii.-x. Account of Ordnance, ammunition and stores of war in the several forts of New England for 1712. *Endorsed as preceding.* 13 pp.

179. xi. Proclamation by Governor Dudley, Boston, Oct. 31, 1712, for a day of public thanksgiving to be held on Nov. 20th, for the near view of a happy peace, the general health and plentiful harvest, etc. *Printed* (by B. Green). *Same endorsement.* 1 p.

179. xii. Proclamation by Governor Dudley, Boston, Nov. 8, 1712, for the strict observance of the Act *ascertaining the rate of foreign coins*, etc. *Same endorsement.* *Printed.* 1 p. [C.O. 5, 866. Nos. 1, 1 i.-xii.; and (without enclosures) 5, 913. pp. 437-441.]

Dec. 20.  
Barbadoes.

**180.** Governor Lowther to the Council of Trade and Plantations. I think it my duty to acquaint your Lordships that Monsieur Cassart with five men of war, two store ships, seven sloops and several boates attack'd Surannan the 29th Sept., and after some small resistance oblig'd the place to capitulate, and on Oct. 16th the country paid him 75,000 poundes sterling

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(as a ransome) for part of which he took negroes, and several other commodities of the country, and the rest of the said sum was paid him in Bills of Exchange, for the security and due payment of which he took hostages. Monsieur Cassart sent one ship and several sloopes and boates to Barbilios, and nobody here doubts but that strength hath taken it. I likewise understand that Monsieur Cassart is now at Martinique; I am apprehensive that he will reattempt some of H.M. Leeward Isles; in order to prevent which and to secure the trade of that place, I have sent Brigadier Maxwil, Col. Horne, Major William Cogan, and Guy Ball Esq. to Martinique to enter into a treaty with Monsieur Phillypeaux for continuing the truce which expired the 11th instant till I either have the Queene's command touching the same, or that Monsieur Phillypeaux hear from the King of France. *Refers to enclosures*, which I hope your Lordships will approve of as done for the benefit and security of H.M. subjectes under my government. I have at last prevail'd upon the Assembly to pass the Excise Bill without intrenching upon the Queene's prerogative, and I thank God everything here is very well, and in a good way of being establish'd upon a right and solid foundation. *Signed*, Rob. Lowther. *Endorsed*, Reed. Jan. 30, Read Feb. 2, 17<sup>12</sup><sub>13</sub>. *Holograph*. 1<sup>3</sup><sub>4</sub> pp. *Enclosed*.

180. i. Copy of Governor Lowther's instructions to Brigadier Thomas Maxwell, Col. Thomas Horne, Major William Cogan and Guy Ball, for continuing the truce with Mons. Phillipo. *Signed*, Robt. Lowther. 1 p.

180. ii. Copy of Governor Lowther's commission to the same. *Endorsed*, Reed. Jan. 30th, Read Feb. 2, 17<sup>12</sup><sub>13</sub>. 1 p.

180. iii. Copy of Governor Lowther's Proclamation, in pursuance of H.M. Proclamation of Aug. 18 proclaiming a general truce, commanding H.M. subjects to forbear all acts of hostility until the return of the Flag of Truce from Martinique or H.M. further commands. Pilgrim, Dec. 8. 1712. *Same endorsement*. 1 large p. [C.O. 28, 13. Nos. 98, 98 i.-iii.; and (without enclosures) 29, 12. pp. 505-508.]

Dec. 20.  
Barbados.

**181.** Governor Lowther to the Earl of Dartmouth. I had notice about six weeks ago that Monsieur du Cass was just then arrived at Martinique with two men of war, one of which carried 70 guns and the other 50; I was further advised that he had been this last summer at several Spanish ports in the West Indies, where he had received an immense treasure on board of the said ships, with which he attempted to have got into the Havanna, but that place being blocked up by some of H.M. ships, he was forced to make the best of his way to old France, but meeting with a violent storm on the Banks of Newfoundland the 70 gun ship lost her rudder and received some other damage, which obliged him to come to Martinique to refit. I have ordered H.M. ships that attend upon this station to joyn the *Dimond* which attends the Leeward Isles and then to cruise off of Martinique to intercept him; if the said ships have the fortune



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to meet Monsieur du Cass I doe not doubt but they will give a good account of him ; H.M. having upon this service one ship of 72 guns, another of 40 and two of 50. The inclosed is the Grand Juries Address to the Queen, and I desire your Lordship to lay it before H.M. I have not had the honour to receive any commands from your Lordship since I arrived here, which I am not a little sorry for ; there being nobody that would more chearfully obey them, *etc.* *Signed*, Rob. Lowther. *Endorsed*, R. April 13, 1712 (13). *Holograph*. 2 pp. *Enclosed*,

181. i.-iii. Duplicates of Nos. 180. i.-iii. [C.O. 28, 43. Nos. 80, 80 i.-iii.]

Dec. 20.  
Barbados.

**182.** Governor Lowther to the Earl of Dartmouth. *Repeats* No. 180, omitting last sentence. *Signed*, Rob. Lowther. *Holograph*. 2 pp. [C.O. 28, 43. No. 82.]

Dec. 22.  
Whitehall.

**183.** Council of Trade and Plantations to Governor Lowther. Enclose copies of Orders in Council, March 8 and Sept. 8th, repealing two Acts of Barbados, and also copies of Attorney General's reports thereon, "that you may communicate the same to the persons concerned, that they may govern themselves accordingly." [C.O. 29, 12. pp. 504, 505.]

Dec. 25.

**184.** Petty expenses of the Board of Trade Sept. 29—Dec. 25, 1712, 54*l.* 2*s.* 3*d.* Stationer's bill, 22*l.* 6*s.* 11*d.* Postage, 14*l.* 9*s.* 11*d.* 5 pp. [C.O. 388, 76. Nos. 146, 149, 152.]

Dec. 29.

**185.** Attorney General to the Council of Trade and Plantations. *Reply to Dec. 9.* I am of opinion the Act having restrained the bounty to particular persons, noe part thereof can be allotted for building of churches, for that there is not any person who is a particular sufferer more yn. others in the loss of ye church. *Signed*, Edw. Northey. *Endorsed*, Recd. 20th, Read 22nd Dec., 1712. *On back of letter of Dec. 9.* 1½ pp. [C.O. 152, 9. Nos. 144, 144 i.; and (without letter of Dec. 9), 153, 12. p. 53.]

Dec. 29.  
Barbados.

**186.** Governor Lowther to Mr. Lewis. I had the honour to receive a letter from my Lord Dartmouth dated Oct. 25th, *informing me* that the Queen had given you the office that Mr. Gordon had here, and desir'd me to promote the interest of it as much as lyes in my power. I will do you all the service I can, *etc.* *Signed*, Rob. Lowther. *Endorsed*, R. Jan. 30, 1712½. *Holograph*. 1 p. [C.O. 28, 43. No. 83.]

Dec. 30.  
Boston.

**187.** Lt. Governor Tailer to the Council of Trade and Plantations. I no sooner recd. the honour of H.M. Commission, but thought it my duty to attend your Lordships for your commands *etc.* Your favourable reception, and haveing been some time here, oblidges me to acquaint your Lordships of the good agreement betweene H.E. Coll. Dudley and myself, *etc.* Butt, as wee are a Charter Government, it has occation some

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dispute betweene me and the Councill, (weh. is) that the Lieut. Govr. has no right to vote with the Councill, without being choose by the Assembly, att their yearly election to be one of the Councill. and some of the Assembly are likewise of the same opinion, on which with humble submission I think I have aright tho' not made choise of by them, and shall maintaine it as a parogative belonging to the Crowne, till I have your Lordships opinions to the contrary, but make no doubt but I shall have it in my favour. May it please your Lordships the Queen has reserved to Herself notwithstanding the Charter granted to New England her right of appointing Her Governour, Lieut. Governour and Secretary, and it is by virtue of said right I maintaine this priviledge, weh. I think it my duty to assert, the only reason they have to object, is that by virtue of the Charter they have aright to choose 28 Councillors and without the Lieut. Govr. is one of that number, he has no right to act as such, weh. if your Lordships should construe as they doe, it would be a lessning H.M. authority, and the betrusement that is put into the hands of Her Lieut. Govr. who in the absence of the Govr. by virtue of my Commission, have as full and ample authority as the Govr. himself, *etc.* They likewise make provissions for the support of the Govr. by giving him yearly 500*l.* this mony, but take no notice of the Lieut. Govr. weh. I likewise hope your Lordships will take into your considerations *etc.* *Signed*, William Tailer. *Endorsed*, Recd. 1st March, 1712 (1713), Read 25th June, 1718. 2 pp. [*C.O.* 5, 866. No. 148; and 5, 915. pp. 120-122.]

Dec. 31. **188.** West India merchants and planters to the Council of Trade and Plantations. If it is intended, by the new Treaty of Commerce with France, to prohibit the importing of sugers and other the production of the Brittish Colonies of America into the Dominions of France, it will greatly discourage the Brittish Plantations in South America, and be a meanes of raising those of France, and lessen the Western Navigation, *etc.* *Signed*, Nicholas Lawes and 37 other signatures. *Endorsed*, Recd. 31st Dec. 1712, Read Jan. 9th, 17 $\frac{1}{3}$ . 1 p. [*C.O.* 388, 15. No. 98.]

[? Dec.] **189.** Form of a debenture to be issued to the sufferers at Nevis and St. Kitts. Presented to the Board by Messrs. (John) Campbell and (Stephen) Duport. *Endorsed*, Recd. Read Jan. 13, 17 $\frac{1}{3}$ . 1 p. [*C.O.* 152, 9. No. 145; and 153, 12. pp. 54, 55.]

[? Dec.] **190.** Form of a debenture to be issued to the sufferers at Nevis and St. Kitts. *Subscribed*, I approve of this form. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Jan. 20, 17 $\frac{1}{3}$ . 1 $\frac{1}{4}$  pp. [*C.O.* 152, 9. No. 154; and 153, 12. pp. 68-70.]

[1712.] **191.** Copies of powers of attorney granted by sufferers at Nevis to representatives in England to receive their share of H.M. grant in aid, 1708-1712. [*C.O.* 243, 4. pp. 1-311; and 243, 5. pp. 313-450 ff.]

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1712—1720. **192.** Copy of will of William Venton, planter, of St. Kitts, April 28, 1710. [*C.O.* 243, 4. *p.* 24.]

**193.** Copy of will of James Norton, of St. Kitts, May 28, 1712. [*C.O.* 243, 4. *p.* 26.]

**194.** Copy of will of William Sample, of London, Jan. 12, 1709. [*C.O.* 243, 4. *p.* 49.]

**195.** Copy of will of Charles Gregory, of London, Aug. 16, 1711. [*C.O.* 243, 4. *p.* 59.]

**196.** Copy of will of Jedidiah Hutchinson, St. Kitts, Feb. 28, 1711. [*C.O.* 243, 4. *p.* 70.]

**197.** Copy of will of Martin Madan, late of Nevis, March 17, 1703. [*C.O.* 243, 4. *pp.* 111–116.]

**198.** Copy of will of Ann Estridge, St. Kitts, June 11, 1709. [*C.O.* 243, 4. *p.* 128.]

**199.** Copy of marriage certificate of Lionel Davison and Susanna Cotgrave, Nevis, Jan. 1, 1712. [*C.O.* 243, 4. *p.* 131.]

**200.** Copy of will of William Burt, of Nevis, Oct. 15, 1707. [*C.O.* 243, 4. *p.* 233.]

**201.** Copy of will of John Byshopp, of Nevis, Dec. 27, 1707. [*C.O.* 243, 4. *p.* 236.]

**202.** Copy of will of Thomas Neale, of Nevis, Feb. 24, 1708. [*C.O.* 243, 4. *p.* 239.]

**203.** Copy of will of Richard Martyn, Nevis, Feb. 20, 1708. [*C.O.* 243, 4. *p.* 241.]

**204.** Copy of certificate of marriage of Rev. Robert Robertson, rector of St. Pauls, Nevis, and Mrs. Mary Pogson, Nov. 13, 1709. [*C.O.* 243, 4. *p.* 266.]

[? 1712.] **205.** A Memorial by [? Capt. Taverner]. First Scheme. A true account of the Island of Gaspey and how advantageous it will be to the French, not only for their trade to Canada, but also for the making a quantity of codfish in Nova Francia, and Pettynorth with severall other places of N-f-d-l-d. (1) That Island lying in the Gulph of the mouth of the St. Laurence and having a fine harbor in it, must be very convenient for the French ships bound to Canada *etc.*, the river or harbor being very finely situated for a strong fortification which it's presumable they will build it being so highly necessary not only for the protection of their own fishing trade in the Island, and that to Canada, but in time of war, it will enable them to spoile all the fishing we shall have on the



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coast of Nova Scotia from the Island of Gaspey, St. Lewis, on the entrance of the River of Canada, in which places are great quantities of cod fish, *etc.* (2) The Island of Gaspey its presumable is most excellent for cod fishing, it being a Cape of land lying between two seas, in both of which are great quantity of cod fish, *etc.* There is wood for building stages, *etc.*, for firing there is coals enough, and none in any other part of America. (3) The Island is very large, *etc. described.* The weather is much warmer than in N-f-l-d, so that they catch cod fish there all the year except January. (4) It is far preferable to N-f-l-d, *etc.* So that it is very plain the French will be better seated there than ever the English were on N-f-l-d, both as to trade and cod fishing, not forgetting the clandestine trade they may cary on with the Indians of Nova Scotia and make them our enemies when they please, having Island of Gaspey, having fishing rome enough for France and England too, I think the French have no reason to complain for want of a fishing place; if the French shou'd insist of any more fishing place from us, I think it very unreasonable, *etc.* because there is very good cod fishing all along the coast of Nova Scotia from Gaspey to the mouth of the River Canada, which I call Cape Nova, and about the coast of Cape Charles, which makes 210 leagues on their own coast. We are assured that about the coast of Cape Charles is very good fishing by reason that several French ships, since our men of war and letters of mark have gon to Pettinor and seized their ships and fish, they have deserted that fishing, and fish on the coaste of Nova Francha near Cape Charles and made good voiajes, *etc.* If the French must have some part of N-f-l-d to fish, the best part we cou'd give them is from Cape Kay to Cape Hamilton, because we have no knowledge of it, but if they will not accept that, to give them from Cape Hamilton to Cape St. John, *etc.* It's most certain the less room we allow them the worse voiajes they will make to confine them is best. If the French have any permission to fish on N-f-l-d and the English to trade with them, it will be very pernicious, by reason that they can cary goods to the land, and sell cheaper than the English do, especialy salt, wine, brandy, canvas, dowlas, kentin, nails, and rosin also some silk, there being large consumptions of those goods, the silk and kentin only excepted, but the New England merchants will deal considerably in all those goods except salt and pitch, wch. will incourage the French merchands, and discourage the English to a great degree, so that speedy care ought to be taken in preventing the same. If the French have all these allowances it will enable them to be masters of the trade in a maner for they have their men cheaper than we possibly can, they vittle them cheaper, great part of the fishing craft cheaper as netts, lines, canvas, nails and pitch, these things considered they will be able to undersell us considerably at the markt, their fish from Gaspey going sooner to the markt than ours must have the best price, and their haveing so prodigious a coast in length to fish on, that their advantage will be very great in that respect. 3½ pp. In Capt. Taverner's handwriting. [C.O. 194, 23. No. 16.]

[? 1712.] **206.** A Memorial [*by Capt. Taverner*]. Second Scheme. An account of Newfoundland and Gaspey in Arcadia, as to the comodiousness of the harbor, fishing, firing, and the trade thereof, showing how advantageous it will be to the English in haveing Placentia, Shapenor, St. Peters, the Cape of Fortune, and the coast as far as the west, and north east, as the Isle of St. George, wch. lyeth in the Gulph of St. Laurence, and how inconsiderable the Island of Gaspey will be to the English as to the fishing trade or anything else. *Explains how the English Newfoundland fishery is handicapped by lack of room, and the luteness of their season.* The consumption of all sorts of coarse goods and provisions there, as well fishing as craft, is so very considerable that it employs most of the trade in the west of England to make goods for that countrey.

The fish made by the English indeed are not many, those which are taken are chiefly caught by the people of Bonavista at Pettenorth, but if we have Placentia and the coast from Cape Rase, Cape Ray and from that to Port Rich, its impossible to have any ground of complaint in that trade, for what we wanted before is likely to come into our hands, such as want of fishing beaches, fishing ground and great plenty of fish, and taking it soon in the year, as also the great plenty of furs of all sorts, besides dear, bear, seals, timber, *etc.* *Enlarges on the value of that fishery.*

Perhaps some may object that the French haveing of Gaspey will enable them to catch a great quantity of cod soon or sooner than we can at Placentia, to wch. I answer that Gaspey is convenient enough for their ships trading too and from Canada to stop at, but I cannot allow it to be a place for fishing, for there is no bank near enough to it for botts to fish on, the water near the shore is very deep, there is a strong tyde allways comes out of the Gulph of St. Laurence, which must spoil the codfish, so that its plain the French cannot catch any considerable quantity of cod fish at that Island, without they have sloops after the manner of New England fishing, which must be very chargeable to them, seeing they have no timber upon Gaspey fit for such vessells, besides they have little or no beach upon that island, and what there is cannot last long when the consumption will be so great, that Island has been in the hands of the French some ages, that they have not fished on it proves it can be of little or no use to them for fishing, *etc.*, and we need not envy the French having of Gaspey. Pettenorth must be alow'd to be a very good place for fishing and beaches on the coast fit for making fish, but their ships and men goeing there have been attended with great difficulties by reason of the ice, for the French seldom get into their fishing harbor till the last of May or 15th of June, *etc.* I am fully satisfy'd if the French did not fish there, few or none of the English wou'd, especially if we have Placentia. There are good furs at Pettenorth wch. the English have allways caught. I never understood that any large mast was to be had on that coast for ships. So that all things considered, I do not se how the French by fisheing at Pettenorth can any way damage us provided they have no inhabitants nor build no forts, but go and fish as usal, and that our

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people may fetch furs, or do anything they please among them, *etc.* I can only offer one thing more, that as soon as the peace is made, necessary care be taken to send the forces ordered for Placentia immediately, this being done it will encourage several to fish there this season, wch. will be the only help to encourage ships and inhabitants to come there the next year, *etc.* If we fail of this we loose 2 fishing seasons. I think it highly necessary that some person be appointed to settle all the fishing room in that part, and likewise to make a discovery of all the harbors kays beaches *etc.*, to search all harbors which the French are not to have liberty to fish in, and to seize any they shall find there, by this method we shall know how to proceed, and make all necessary improvements. In times past we have been strangers to the advantag and improvements wch. N-f-l-d is capable off. 7 pp. *In Capt. Taverner's hand.* [C.O. 194, 23. No. 17.]

[? 1712.] **207.** *Memorandum.* There is a letter of the 20th (v. July 11th) from Nevis that says they were then under no apprehension of the French.  $\frac{1}{2}$  p. [C.O. 184, 1. No. 28.]

[? 1712.] **208.** Petition of merchants and traders to Antigua to the Earl of Dartmouth. Pray that a General Pardon may be issued to the inhabitants of Antigua. 1 p. [C.O. 152, 42. No. 79.]

**209.** Copy of certificate of marriage of Thos. Barnaby and Mrs. Sarah Evant, St. James', Nevis, Aug. 22, 1711. [C.O. 243, 4. p. 274.]

**210.** Copy of will of Henry Rawlins, of Nevis, Jan. 11, 1709–10. [C.O. 243, 4. p. 279.]

**211.** Copy of will of James Walker, of Bow, Middlesex, Jan. 18, 1712. [C.O. 243, 4. p. 280.]

**212.** Copy of will of Sir James Houlblon, London, Oct. 21, 1704, with affidavit of Sarah Brooks as to alterations, *etc.* [C.O. 243, 4. p. 309.]

**213.** Copy of will of Stephen Payne, of St. Kitts, Sept. 8, 1711. [C.O. 243, 5. p. 318.]

**214.** Copy of will of Tobias Pender, of Nevis, May 23, 1711. [C.O. 243, 5. p. 331.]

**215.** Copy of will of Sarah Bennett, of Nevis, Dec. 28, 1707. [C.O. 243, 5. p. 337.]

**216.** Copy of will of Thomas Cottgrave, of Nevis, Aug. 6, 1706. [C.O. 243, 5. p. 371.]

**217.** Copy of will of Anthony Peterson, of Nevis, Aug. 19, 1700. [C.O. 243, 5. p. 372.]



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**218.** Copy of will of Michael Nowell, of Nevis, May 28, 1712. [C.O. 243, 5. p. 372.]

**219.** Copy of will of John Hilton, of Nevis, Dec. 22, 1710. [C.O. 243, 5. p. 385.]

**220.** Copy of will of William Davis, of Nevis, Jan. 22, 1707-8. [C.O. 243, 5. p. 390.]

**221.** Copy of will of Sarah Lobatto, of Nevis, Jan. 8, 1707-8. [C.O. 243, 5. p. 393.]

[1712-1713.] **222.** List of debentures of relief fund held by sufferers of Nevis and St. Kitts. [C.O. 243, 9.]

**223.** Copy of will of John Lytton, of Nevis, May 1st, 1709. [C.O. 243, 5. p. 400.]

**224.** Copy of will of Peter Christian, of Nevis, Feb. 26, 1706-7. [C.O. 243, 5. p. 410.]

**225.** Copy of will of John Hayton, of Nevis, Dec. 22, 1706. [C.O. 243, 5. p. 412.]

**226.** Copy of will of John Edgerly, of Nevis, Feb. 28, 1707-8. [C.O. 243, 5. p. 419.]

**227.** Copy of will of Joseph Gurney, of Nevis, April 3, 1707. [C.O. 243, 5. p. 462.]

**228.** Copy of will of Anne Ling, of Nevis, Jan. 8, 1709. [C.O. 243, 5. p. 471.]

**229.** Copy of will of George Chappell, of Nevis, May 19, 1711. [C.O. 243, 5. p. 500.]

[1712-1750.] **230.** Index (*bis*) to Nova Scotia correspondence, 1712-1750. [C.O. 326, 47.]

[? 1712.]

**231.** Address of the Lt. Governor, Council and Assembly of Antigua to the Queen. Wee, being prevented by Generall Douglass's neglect or some other designe of his, makeing our earlier approaches to your most sacred Majesty, do now with the greatest humility and hearts full of joy congratulate your Majesty on your putting an end to the late bloody warr, by a most advantageous and glorious Peace, *etc.*, to the unspeakable satisfaction of us your poor distressed inhabitants of this Collony, whose utter ruine, under God, it has most effectually prevented, when wee were on all sides environed by an enemy, whose subtilty being equall to their power oblidged us at a vast expence allwayes to be in armes, *etc.* Signed, John Yeamans, Edw. Byam, W. Codrington, Thomas Morris, Wm. Thomas, Will. Byam, E. Warner. Geo. Lucas, Speaker. 1 p. [C.O. 7, 1. No. 20.]

- [1712.]      **232.** Gilbert Pepper to the Earl of Dartmouth. The relations of Daniel Parke having found Samuel Watkins and Dan. McKinen, of Antigua, they are now secured in Newgate, *etc.* *Signed*, G. Pepper. 1 *p.* [*C.O.* 152, 42. *No.* 102.]
- [? 1712.]      **233.** Col. Thomas Cary to the Earl of Dartmouth. Being unjustly prosecuted and sent over prisoner into England, prays to be admitted to bail and to be heard by the Lord Dartmouth.  $\frac{1}{2}$  *p.* [*C.O.* 152, 42. *No.* 104.]
- [? 1712.]      **234.** Clergy of Barbados to Col. Cleland. *Solicit* his good offices with the Diocesan and the Society for promoting the Gospel in settling the affair of Generall Codrington's donation, and obtaining an instruction to the Governor for granting escheated lands as glebes to incumbents, "to be communicated to him by our hands, that he may be sensible, we are privy to such instruction," *etc.* *P.S.*—We mention Col. Codrington's donation because we perceive by some printed discourses, that the notion generally entertained of us, is very groundless. We are not sunk into such a lethargick stupidity, as to be unconcerned for ye conversion of our slaves. Our zeal is as fervent, *etc.* as theirs who think so hardly of us. *Signed*, William Ball, Charles Irvine, Gilb. Wharton, Ad. Justice, Willm. Gordon, Edw. Brice, Charles Cuninghame, Jon. Glasgow, And. Baillie. 3 *pp.* [*C.O.* 28, 43. *No.* 86.]
- [? 1712.]      **235.** A list of names and addresses in England, relating to Barbados. 10 *pp.* [*C.O.* 28, 43. *No.* 85.]
- [? 1712.]      **236.** Memorandum of the rate of exchange of some Portugal pieces. 3 *pp.* [*C.O.* 5, 1085. *No.* 1.]
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Jan. 1.  
Whitehall.

**237.** The Earl of Dartmouth to the Council of Trade and Plantations. *Encloses* following for their report thereon. *Signed*, Dartmouth. *Endorsed*, Recd. —, Read Jan. 9, 17 $\frac{1}{2}$  $\frac{2}{3}$ . 1 p. *Enclosed*,

237. i. Extract of a Memorial from the Marquis de Monteleone. The inhabitants of Guipuscoa and the other subjects of his Christian Majesty will be maintained in their free and immemorial practice, exercised up to the present moment, of navigating, trading and fishing on the coast of Newfoundland. *French.*  $\frac{1}{2}$  p. [*C.O.* 194, 5. *Nos.* 18, 18 i.; and 195, 5. pp. 287, 288.]

Jan. 3.  
Jamaica.

**238.** Merchants and traders of Jamaica to the Council of Trade and Plantations. *Complain* of the discouragement of their trade, particularly of the most considerable and advantageous branch of it, that to the Spanish coast, through Commanders of H.M. ships of warr having in great measure engrost it and carrying it on with the Queen's ships, *etc.* Sir H. Walker has appointed the rendezvous of his squadron to be at Blewfields, one of the leewardmost parts of the Island, the better (it is suggested) to carry on a private trade, to the discouragement of that of the merchants, in the delays and uncertaintys they must expect in convoys to be obtain'd at such distance from Port Royal, *etc.* *Pray* that H.M. ships may be restrained to guarding the coast and protecting trade, *etc.* *Signed*, Jno. Lynch, Jno. Wyllys and 40 others. *Endorsed*, Recd. Read March 10, 17 $\frac{1}{2}$  $\frac{2}{3}$ . 3 large pp. [*C.O.* 137, 9. *No.* 79.]

Jan. 3.  
Jamaica.

**239.** Governor Lord A. Hamilton to the Earl of Dartmouth. *Refers to former letter* (Nov. 22). Mr. Rigby, who's absence I have dispenc't with for some small time upon extraordinary affairs, will give your Lordship any further information. With the unanimous consent of the Council, I have writt to the Governor of the coast of St. Domingo, in reply to his proposition for the continuance of the suspension of arms in these parts for six months, to the purport of what I last informed your Lordship of. Since the *Blandford* sail'd, Sir H. Walker has thought fit to strick his flag at Port Royal and by advertisements that I am told he has affixed there he has given out that for the better conveniency of watering and other reasons not specify'd, it is thought fitt that ye randevouse of H.M. ships shou'd be at Bleufields. I need not observe to your Lop. that this is about 200 miles to leward and neer ye extent of that part of the Island, and ye time it might require upon any emergent occasion to beat up to windward again, so that how far this may be detrimental to H.M. service and ye protection of the Trade by delays it must necessarily occasion, upon application of ye merchts. for convoys and other ways, I humbly submitt; all that I shall add is that I



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observe so general a dissatisfaction amongst the merchts. especially those concern'd in the trade to ye Spanish coast that there is reason to apprehend many of them will withdraw their effects and settle els where, unless some speedy measures be taken to put a stop to ye inconveniencies which in my humble opinion they have but too just reason to complain off. *Signed*, A. Hamilton. 2 pp. [C.O. 137, 51. No. 68.]

Jan. 3.  
Jamaica.

**240.** *Same* to the Council of Trade and Plantations. *Begins as preceding. Concludes*: Since I began this letter I am told that the merchants have resolved by a representation to apply to your Lopps. as their proper refuge from who's interposition by laying the hardships of their case before H.M. they hope for redress; If anything of ye kind shou'd be offer'd to your Lopps., I think it my duty earnestly to recommend ye forwarding of it as a matter that nearly concerns ye generall welfare and prosperity of this Island, in which ye interest of Great Britain is not a little concern'd. *Signed*, A. Hamilton. *Endorsed*, Recd. March 10th, Read July 17th, 17 $\frac{1}{2}$  $\frac{2}{3}$ . 2 pp. [C.O. 137, 10. No. 13; and 138, 13. pp. 506-509.]

Jan. 3.  
Whitehall.

**241.** The Earl of Dartmouth to Governor Lowther. Mr. Stewart and Mr. Mendez having represented to the Queen that Mr. Alexander Walker, one of the Judges of the Court of Chancery in Barbadoes and likewise a member of the Council there in combination with Mr. William Walker a practising lawyer have comitted several frauds and collusions to the great detriment of trade in general as well as to the prejudice of particular persons; H.M. is pleased to order that you strictly examine into the allegations of the enclosed petitions and report the facts as they appear to you. *Signed*, Dartmouth. [C.O. 324, 32. p. 198.]

Jan. 7.  
Treasury  
Chambers.

**242.** Warrant to Governor Nicholson to take with him and dispose to H.M. best advantage in America of all the surplus stores from the expedition to Canada, which were brought back and now in charge of John Netmaker, Commissary of the forces for that expedition. *Signed*, Oxford. *Endorsed*, Recd. Feb. 10, 17 $\frac{1}{2}$ . Copy. 2 pp. [C.O. 323, 7. No. 22.]

Jan. 7.  
London.

**243.** M. de Gissey to [? Lord Bolingbroke]. In my letter of last Saturday, on the subject of the Forts of Florida, I committed the absurdity of asking pardon for something which I did not express, *etc.* I have resolved to explain this matter to your honour. Its exceeding boldness will justify my hesitation. I shall hope that the sincerity of my good intentions will secure my forgiveness. There is a Prince of the Royal Family and of the Protestant Line, who would be better suited, perhaps, to the Crown of Britain than he who appears to be publicly destined for it, although this destination is only by a consequence, and not through having been called to it by name. To substitute the first in the place of the second, a special cause would be needed to produce such an effect, and perhaps one should be brought

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into being which, if it had not the same force as that which inspires the destination abovementioned, would be strong enough to render the proposed substitution legitimate and practicable, seeing that it would not entail any injustice in itself. Measures to prepare for this end should be taken at once, *etc.* I await your orders at the Greyhound coffee-house, Compton Street, Soho. Secrecy is necessary, and I pray you to burn or destroy this letter. I am known to the King of Prussia, and can assure you that he would have confidence in me, particularly in this matter of the secret. *Prays* to be recommended to the Lord High Treasurer, being in great poverty, *etc.* *Signed*, De Gissey. *French.* 2 $\frac{1}{8}$ th pp. [*C.O.* 5, 582. No. 1.]

Jan. 8. **244.** Order of Queen in Council. Approving representation as to appeals of clergy (*v.* Nov. 25, 1712) and ordering accordingly. *Signed*, Edward Southwell. *Endorsed*, Read. 2nd, Read 27th Feb., 17 $\frac{1}{8}$ . 1 $\frac{1}{4}$  pp. [*C.O.* 5, 1050. No. 56; and 5, 1123. pp. 65, 66; and 5, 11. No. 90.]

Jan. 8. **245.** Order of Queen in Council. Approving representation of Dec. 19, 1712. H.M. letters mandatory are to be sent to the Proprietors of Carolina and Governor of Virginia that Commrs. may be immediately appointed to meet for the settling of their boundarys, and that direction be likewise given to the said Lords Proprietors that they do immediately (if the same be not already done) take care that the Act passed in July 1711, so prejudicial to H.M. subjects of Virginia, be repealed. *Signed*, Edward Southwell. *Endorsed*, Read. 2nd, Read 27th Feb., 17 $\frac{1}{8}$ . 1 p. [*C.O.* 5, 1316. No. 92; and 5, 1363. p. 479.]

Jan. 9. **246.** The Earl of Dartmouth to Governor Lord A. Hamilton. Whitehall. The Queen has commanded me to transmitt to your Lopp. the enclosed papers complaining that Mr. Harbert, Naval Officer of the Island under your Lordship's government, refuses to account for the publick money that lies in his hands, H.M. thinks fit that your Lordship endeavour by all legall means to compel him to do the justice that is expected from him and deliver the money to such persons as you shall authorize to receive it. *Signed*, Dartmouth. [*C.O.* 324, 32. pp. 199, 200.]

Jan. 9. **247.** Minutes taken by Mr. Harris of what passed at the Board of Trade, Jan. 9, 1713. Thomas Onslow, Capt. Richd. Thomson, Capt. James, Tho. Mitchell and Rd. Harris waited on the Board, on behalf of Jamaica and Barbados merchants, touching the dutys which twas feared might be agreed to be laid on sugars and other West India comoditys imported into France att the Treaty of Commerce, which if high or overated would be in effect a prohibition *etc.* Notice was taken also about Hispaniola. If delivered to France would ruine the Plantations. *Endorsed*, Read. Read 22nd Feb. 17 $\frac{1}{8}$ . 2 pp. [*C.O.* 137, 10. No. 57.]

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[Jan. 9.]

**248.** Draught of a letter signed by Mr. Harris and others after *above* meeting, to be sent to Mr. Popple; as to clayed sugars being laid under the same duty in France as refined, *etc.* *Endorsed as preceding.* 1 p. [C.O. 137, 10. No. 58.]

Jan. 10.  
New England.

**249.** Mr. Bridger to [*? the Earl of Dartmouth*]. I have at last convicted three persons of cutting down and destroying one mast tree, which I hope will do a great good by striking an awe on the people. *Prays to be granted H.M. moiety.* There is no tar in this fleet nor any naval stores except masts, the Act for encouraging Naval Stores from hence is near expiring. I leave it to your Lordship's consideration to revive or not that Act, but am very well assured that so soon as we have peace, these people will make a great quantity of tarr, this being a very proper place for that service, *etc.* I humbly pray your Lordship's favour to my Lord Bishop of London, in behalfe of the people at Newbury who were your Lordship's petitioners last year, the church is finished and there is only a good man wanting, and if not soon supplied they will scatter and be lost or seduced by false bretheren. *Signed, J. Bridger.* 2 pp. [C.O. 5, 898. No. 27.]

Jan. 13.  
Whitehall.

**250.** Council of Trade and Plantations to the Earl of Dartmouth. *Enclose* commission for Henry Pulleine to be Lt. Governor of H.M. Bermuda Islands. "We are preparing the necessary Instructions with all possible dispatch." *Annexed,*

250. i. Draft of Lt. Governor Pulleine's Commission, in the usual form, with clause revoking that of Benjamin Bennett. [C.O. 38, 7. pp. 39-67.]

Jan. 13.  
Whitehall.

**251.** Mr. Popple to Mr. Attorney General. I enclose you the draught of a debenture to be issued to the sufferers of Nevis and St. Xtophers; and am thereupon to desire your opinion whether the same is conformable to the Acts of Parliament, *etc.* [C.O. 153, 12. p. 55.]

Jan. 13.  
Whitehall.

**252.** Council of Trade and Plantations to the Earl of Dartmouth. *Reply to Jan. 1st.* We have discoursed with such persons as are able to give us information, and we find that some Spaniards have come thither with passes from her Majesty, and others may have fish'd there privately, but never any that we can learn, did do it, as of right belonging to them. By the *Act to encourage the Trade to Newfoundland*, pass'd in the 10th and 11th years of his late Majesty when we were in amity and alliance with Spain, it is declar'd and enacted, that no alien or stranger whatsoever, not residing within the Kingdom of England, Dominion of Wales or Town of Berwick upon Tweed, shall at any time hereafter, take bait or use any sort of trade or fishing whatsoever in Newfoundland, or in any of the Islands adjacent; pursuant to which Act, instructions have been given every year to the Commodore of the Convoy, to prevent foreigners coming thither. *Autograph Signatures.* 2 pp. *Enclosed,*



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252. i. Extract of a Spanish paper relating to the inhabitants of the province of Guipuscoa (*v.* Jan. 1st). They have always had the liberty of fishing on the coasts of Newfoundland, and were never molested therein by the French, and on shoar they gave preference to whomsoever was first in possession, without any destinction of nations. Which they prove by several affidavits of aged persons *etc.*  $\frac{3}{4}$  p. [*C.O.* 194, 23. Nos. 8, 8 i., 9; and 195, 5. pp. 288–290.]

[Jan. 21.] **253.** Petition of Stephen Duport to the Council of Trade and Plantations. There being lately two vacancies in the Council of St. Christophers by the death of Col. Stephen Payne and John Peteres, *prays* that Capt. Ralph Willett and John Duport may be appointed in their room, being persons of good estate and character, and well affected to H.M., both actually of the Assembly and the latter Judge of the Admiralty, *etc.* *Endorsed*, Recd. Read Jan. 21, 17 $\frac{1}{2}$  $\frac{2}{3}$ . 1 p. [*C.O.* 152, 9. No. 155; and 153, 12. pp. 70, 71.]

Jan. 22. **254.** Council of Trade and Plantations to the Lord High Whitehall. Treasurer. This Commission is in arrears seven quarters at Christmas last, *etc.*, as April 2, 1712. [*C.O.* 389, 37. p. 55.]

Jan. 22. **255.** Governor Vetch to the Earl of Dartmouth. *Refers* Annapolis Royall. to previous letters relating to the pay and provisions for the garrison. *Continues*:—By the non-payment of the bills formerly drawn, the publick credit in Boston is so intirely ruined it is impossible allmost to gett any person to advance money. It was with the greatest difficulty imaginable that I could procure provisions for the garrison until May 10th next, without which the garrison must have desolved, *etc.* *Prays* for his Lordship's intercession with the Lord High Treasurer, and for his commands, as also for leave to come home to answer any objections, *etc.* *Signed*, Sam. Vetch.  $\frac{3}{4}$  p. [*C.O.* 5, 9. No. 115.]

Jan. 22. **256.** Council of Trade and Plantations to the Earl of Dartmouth. Whitehall. Enclose following.

256. i. Draft of Lt.-Governor Pülleine's Instructions. Similar to those given to Lt. Governor Bennett. [*C.O.* 38, 7. pp. 68–176.]

Jan. 26. **257.** Governor Lowther to the Council of Trade and Plantations. Barbados. *Encloses* Minutes of Council with Commission, *etc.* given by him to Brigadier Maxwell *etc.*, to treat with M. Phyllypeaux for continuing the truce *etc.* (*v.* No. 180), I forgot to acquaint your Lordships that I did this by vertue of H.M. Instruction No. 108. The reason that this negotiation took no effect, was occasion'd (as the gentlemen who went upon it inform'd me) by a letter which Capt. Hamilton writ to General Phyllypeaux. *Refers to Minutes of Council.* I won't take upon me to say that Mr. Hamilton's conduct in this matter is criminal, or if it be,

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of what quality it is off, all this being submitted to your Lordships' judgement. I again intreat your Lordships to state to H.M. not only this matter, but also what I have laid before you in several letters touching the conduct of the men of war, and to signify H.M. pleasure to me what I am to do upon the breach or neglect of any orders I shall or may give them for H.M. especiall and immediate service.

I am inform'd that your Lordships are dissatisfy'd with the proceedings that were had here against Mr. Skene, but not knowing the particulares and groundes of such dissatisfaction, I am not now able to answer the suggestions or insinuations upon which it may be raised, therefore I humbly hope your Lordships will so far indulge me as to impart the causes of your discontent, before you give any judgement or opinion against me, and if I do not give you intire satisfaction, I shall then very chearfully acquiesse. *Signed*, Rob. Lowther. *Endorsed*, 7th March, Read 17th July, 1713. *Holograph*. 3 pp. [C.O. 28, 14. No. 3; and 29, 13. pp. 58-61.]

Jan. 26.  
Barbados.

**258.** Governor Lowther to the Earl of Dartmouth. Duplicate of preceding, omitting last paragraph. [C.O. 28, 43. No. 87.]

Jan. 27.  
Treary.  
Chambers.

**259.** W. Lowndes to the Council of Trade and Plantations. H.M. Commission under the Great Seal of Great Britain having appointed Francis Nicholson (*v.* Oct. 14, 1712) to be her Commr. in North America for enquiring into and about the severall matters in the said Commission menconed among which the trade of her subjects of Great Britain and any affairs relating to settlements, fisherys or otherwise, which may tend to the advantage of H.M. and her said subjects is a principall concerne, my Lord Treasurer has ordered him to wait on you with his commission, and desires you will consider thereof and furnish him with such Instrucccons as you shall think necessary for executing that part of his commission which concerns the trade of this kingdome, or any other matters authorized by the said commission and cognizable by you as Commrs. for Trade, with effect. And because it cannot be presumed that a commission of so large an extent can be executed without the assistance of some able officers and clerks under the direcccon of the said Coll. Nicholson, my Lord also desires you would consider what assistance is necessary and of the capacity of those persons which Coll. Nicholson shall propose for that service, and what allowances are reasonable to be made not only to the said officers and clerks but also to Coll. Nicholson himselfe, and make your report to his Lordp. with all convenient speed. *Signed*, Wm. Lowndes. *Endorsed*, Recd. Read Jan. 27; 17 $\frac{1}{2}$ . *Addressed*. 1 p. [C.O. 323, 7. No. 20; and 324, 10. pp. 10. 11.]

[Jan. 27.]

**260.** Micajah Perry to the Council of Trade and Plantations. The Depty. Governr. of Virga. finding it needfull to make some defence agt. the Indians, called the Assembly in order thereto, but the Assembly being sencible of the extreeme poverty of the

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country, and the necessityes of the people could not raise anything to beare the charges of their defence, and so were dismissed. And the Deputy Governour finding all the armes formerly sent by the Governmt. distributed and not accounted for but lost, prays H.M. notwithstanding the miscarriage of former armes unaccounted for thro' the various intervales of the Governmt. to grant such armes as he prays for to make defence against the Indians, *etc.* *Signed*, Micajah Perry. *Endorsed*, Recd. Read Jan. 27, 17 $\frac{1}{2}$ .  $\frac{1}{2}$  p. [C.O. 5, 1316. No. 87.]

Jan. 29.  
Whitehall.

**261.** Council of Trade and Plantations to the Earl of Dartmouth. Since our letter of May 15th last, relating to stores of war for Virginia, we have been informed, that upon Col. Spotswood's apprehension of an Indian war, he had proposed to the Assembly the raising a fund for supplying that Colony with arms, but that the poverty of the people was such, the Assembly did not raise any such fund as had been desired; upon which we take leave to observe to your Lordship; that in case the Indians should rise (as Col. Spotswood in several of his letters has intimated he had reason to fear) it may prove of fatal consequence to that Colony, and very prejudicial to H.M. revenue arising by the Customs on tobacco here; for as Col. Spotswood writes, he is not in any condition to oppose any considerable attempt from the said Indians, as we more particularly laid before your Lordship Dec. 6th, 1711, and therefore, we are humbly of opinion, that it will be for H.M. service and for the security of that Colony, that a supply of small arms and ammunition be sent thither, as desired by Col. Spotswood, under the regulations and restrictions proposed in our letter, May 15th. [C.O. 5, 1363. pp. 440, 441; and 5, 1335. No. 179.]

Jan. 31.  
Craven House.

**262.** Lords Proprietors of Carolina to Col. Rhet. We have received your accounts from our Secretary and do intend to consider them at our next Board and then we shal send you our opinion relating to them; But in the meantime we must tell you, that we have received a letter from Mr. Craven dated Nov. 20, 1712, giving us an account of very ill language you gave him and the affront you offer'd us and our Governor, the words alledg'd against you were; this is but a Lords Proprietors Government, and I wou'd wipe my arse with the Commission; We have very great reason to resent such an indignity offer'd to us by our officer, and we expect that since you have thro' inadvertency or passion, suffer'd such imprudent words to escape from you, that you should submit yourself to our Governor and ask his pardon. *Signed*, Beaufort, Carteret, M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. p. 62.]

Jan. 31.  
Craven House.

**263.** *Same* to Governor Craven. We received your letter dated Nov. 20, 1712, wherein you give us an account of what you so kindly and charitably have done towards the assisting your neighbours in North Carolina. We thank you for your endeavours, wh. we hope will have the effect they were designed for, and will



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put an end to the Indian warr in that province ; we highly resent the affront that was offerd to you by Col. Rhett and we shal take care that all reasonable submission and satisfaction, shal be made to you upon that acct., but at the same time we must tell you, that we are surprized that you should offer to discharge any officer commissioned by us under the Great Seal of the Province ; and we do hereby require you to restore him his Commn., and we shal direct him by our Lre. (copy enclosed) to make such satisfaction to you, as the nature of such offence shal require. We shal take into our consideration such Acts as have passed the Assembly, since you were Govr. and have been transmitted to us for our approbation and in a short time we will give you our opinion relating to them ; we wish you success in your Government. *Signed as preceding.* [C.O. 5, 290. p. 63.]

Jan. 31. **264.** Copy of General Nicholson's Commission from the Craven House. Lords Proprietors of Carolina. Many complaints having been transmitted to us, relating to very great disorders that have been lately committed in H.M. province of North Carolina, which complaints tho' in some measure prov'd by affidavits, have given us so imperfect an account of the said disorders, that we were not thereby enabled to lay the same before H.M., to receive Her royal commands relating thereto ; to the end therefore that H.M. may receive a more certain information of all those illegal proceedings and disorders, we authorize, constitute and appoint you to be our Commissioner to enquire into the aforesaid illegal proceedings and disorders by a full examination of the affidavits and allegations on both sides, to inform us what was the occasion of them, and who were the authors and abettors of them, and to represent to us, what you shal think to be the most proper expedient to put an end to the same ; and we do hereby authorize you, after you have made enquiry into the said disorders, to appoint such persons as you shal think most fit and proper to represent us as Deputies in the Council of the province aforesaid ; and we do hereby desire you to transmit to us an account of your doings, *etc.*, in writing with what convenient speed you can ; and we do hereby require the Deputy Governor and all officers to be assisting you, *etc.* *Signed,* Beaufort, Palatin ; Carteret, M. Ashley, J. Colleton, J. Danson. *Endorsed,* Recd. Read Feb. 25, 1713. 2½ pp. [C.O. 5, 1264. No. 131.]

Feb. 2.  
London.

**265.** G. Bonnin to the Earl of Dartmouth. Your Lordship being pleased some months ago to order me in the Gazette to waitte att the office, and having done it without any appearance of hopes, makes me believe that your Lordship was no wayes apprise of my misfortunes, it is very hard my Lord, that after the murther of my son in law in Antego, and most my own, and the obligation laid upon me to maintein his three yong children with their poor desolate mother beside my own, ever since Dec. 7, 1710, when the rage of the people rebelled and murdered their General, and that the begining of July last I was commanded by the Chief Governour there to come to England for H.M. service

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under his hand and seall which order Mr. Lewis has had in his hand and told me for all comfort that I ought to [*have*] bargain'd with the General when I came away, tho' not two hours of warning given before the ship sayled; *etc.* My charges in coming and my expences since have utterly ruined me and all by my inviolable loyalty, *etc.* *Prays* for his Lordship's compassion. *Signed*, G. Bonnin. *Addressed.* 1 p. [*C.O.* 152, 42. *No.* 96.]

Feb. 5.  
Whitehall.

**266.** Council of Trade and Plantations to the Lords Proprietors of Carolina. Enclose extract of Col. Spotswood's letter (May 8th, 1712) relating to Carolina. [*C.O.* 5, 1292. p. 375.]

Feb. 5.  
Treary.  
Chambers.

**267.** Wm. Lowndes to the Council of Trade and Plantations. *Encloses following*, "which my lord Treasurer desires you will consider with other the matters now before you relating to" Col. Nicholson's Commission *etc.* *Signed*, Wm. Lowndes. *Endorsed*, Reed. 5th, Read 19th Feb. 17 $\frac{1}{2}$ . *Addressed.* 1 p. *Enclosed*,

267. i. Mr. Baker and Mr. Gosselin to the Lord High Treasurer. Prize Office, Jan. 31, 1712 (13). *Enclose following.* *Conclude* :—It not having been the practice of the Prize Office all this warr as well as the last, to constitute officers on any such business at a standing allowance of salary, we humbly offer whether  $\frac{1}{5}$ th part of what may be recovered free of charges may not be a more proper recompence rather than a settled salary, and be an inducement to use his utmost diligence, *etc.* *Signed*, Tho. Baker, Wm. Gosselin. 1 p.

267. ii. Instructions to Governor Nicholson for recovering arrears of prizes in America, and discovering embezzlements, *etc.* *Signed and dated as preceding.* 2 pp.

267. iii. List of prizes already accounted for. 1 p. [*C.O.* 323, 7. *Nos.* 23, 23 i.-iii.; and (*without No.* ii.) 324, 10. pp. 15-18.]

Feb. 6.  
St. James's.

**268.** The Queen to [*? Governor Hunter*]. Warrant to proceed in cases of appeal by clergy as directed Jan. 8, *q.r.* *Countersigned*, Dartmouth. [*C.O.* 324, 32. pp. 205-207.]

Feb. 7.

**269.** C. Douglas to [*? the Earl of Dartmouth*]. Asks for the Government of Maryland, on the recommendation of the late Duke of Queensberry *etc.* *Signed*, C. Douglas. 1 p. [*C.O.* 5, 721. *No.* 14.]

Feb. 9.  
Whitehall.

**270.** William Blathwayt to Mr. Popple. *Encloses following.* *P.S.*—There have been several proposalls made to ye executors of Ld. Culpepper for the reuniting this part of the Colony which have not yet been duly effected. *Signed*, Wm. Blathwayt. *Endorsed*, Reed. 9th Feb. 17 $\frac{1}{2}$ , Read 17th Nov. 1715.  $\frac{3}{4}$  p. *Enclosed*,

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270. i. Copy of King James II.'s grant to Lord Culpeper of land in the Northern Neck of Virginia, Sept. 27, 1688. 8½ pp. [*C.O.* 5, 1317. *Nos.* 14, 14 i.; and (without enclosure) 5, 1364. p. 259.]

Feb. 10.

- 271.** Governor Nicholson to the Council of Trade and Plantations. In obedience to yr. Lordps'. commands, I humbly lay before yr. Lordps. a copy of the establishment for the Commrs. appointed to inspect the publick accots. abroad. I hope that my allowance may be at least equall to one of theirs, or to any of the Governours on the Continent of America, being I have tenn times the work and shall be oblidged to travell by land near 1000 miles wch. is very expensive in those parts. Mr. John Netmaker being appointed by my Lord Treasurer to proceed with me in the voyage and to take care of the stores that are to be disposed off abroad, I humbly propose that he may be Secretary and that I may have three clerks to assist me, their sallary or allowance, I humbly submitt to your Lordps'. consideration, *etc.* Signed, F. Nicholson. Endorsed, Recd. Read Feb. 10, 1713. 1 p. Enclosed,

271. i. Copy of the establishment for the Commissioners appointed to inspect the Publick Accounts abroad, Oct. 9, 1711. 5l. a day each, 2l. a day to the Secretary. 1 p. [*C.O.* 323, 7. *Nos.* 21, 21 i.; and 324, 10. pp. 11-13.]

Feb. 11.  
Virginia.

- 272.** Lt. Governor Spotswood to the Council of Trade and Plantations. It is so long since I had an opportunity of writing to your Lops. that I hope you will the more easily pardon the trouble I shall give you in this long letter, since I am obliged to comprehend therein the transactions of a late General Assembly and the other occurrences of this Government together with those of the neighbouring province of North Carolina. The publick debts which had been contracted upon the expected invasion of the French squadron fitted out for the West Indies in 1711, together with the necessitys of continueing the Rangers, for the guard of our frontiers against the incursions of the Indians, obliged me to call an Assembly to meet Oct. 22nd, *etc.* And tho' the greater part of the House of Burgesses consisted of the old members, I have so far prevailed on them that all the publick debts for putting the country in a posture of defence are now discharged; except one for a spyboat employed to cruise about the Capes in the absence of our guardships, and the expence of subsisting the French prisoners, which I have been obliged to satisfy out of H.M. revenue of 2s. per hhd., finding it in vain to press them after sundry repeated denials, in regard of the great charge now on the country for the Rangers, which are continued for another year. In order to perswade the House of Burgesses to discharge the expence of the spyboat and of the French prisoners, I laid before them a state of the annual charge of the Government for the last two and twenty years, together with the produce of the established revenue for the same time; whereby I



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made it appear that the fund raised by the Revenue Act had since 1689 fallen short of answering the sallarys and contingencyes of this Government by 740*l.* 1*s.* 11½*d.*, and that such deficiency had from time to time been supplied by the Crown Revenues ; and thereupon I took occasion to argue with them as may be seen in my message of Nov. 28th (*Burgesses' Journal*). Indeed in stating the accompt I charged the country with the sallarys of all the officers of this Government, even with those of the Commissary and Attorney Generall, which are paid out of the quitt-rents ; and on the other hand I extracted all sums that had arisen by fines and forfeitures by the purchase of rights for land, and by the sale of the Queen's arms, which articles I find have before my time been allowed to pass in the same accompt with the revenue that arises by the Act of Assembly made in 1680, and so have always been applied to the support of the Government. The honour your Lordps. have done me in approving my conduct in relation to the civil dissentions in North Carolina is the greatest encouragement I at present have for the continuance of my endeavours to assist that unhappy country. I wish I could have reciev'd from your Lordps'. Board directions for my better guidance in a matter of far greater consequence, I mean, that of their Indian war ; which would have been so much the more necessary in regard to the difficultys I have to struggle with here : for such is the natural disposition of these people towards aiding their neighbours, that I can very assuredly inform your Lordps. that I am the only person of this Government that ever proposes giving any assistance to North Carolina in its distresses, and must alone furnish the arguments to obtain the Council's concurrence, or to procure any supplys from the Burgesses : besides that whatever I undertake in behalf of that distracted country, I am forc'd to push on with a great deal of trouble and expence to myself. On the other hand there reigns such stupidity and dissent in the Government of North Carolina, that it can neither concert any measures, nor perform any engagements for it's own security. For upon a representation from the President, Council and Assembly of that province, of their miserable circumstances, which I immediately laid before our Assembly with all the exhortations I could use to move their pitty to their distressed fellow-subjects (*v. Journal*) all I have been able to obtain from our House of Burgesses is only the sum of 1000*l.* and 900 yards of course cloathing for the poor people that have been plunder'd by the heathen, and (as it was represented) would be obliged to ly out in the woods for the protection of the remaining part of the province against their incursions in the winter season, our Burgesses looking on that province as the author of its own misery, by the continued disorders in the Government and the licentiousness of the people. And tho' in that Address they say they have given this supply with chearfull hearts, yet the struggle with which it passed in their House is an evidence of their disinclination : however it must be acknowledged that this inconsiderable sum, tho' unequal to the charge necessary for subduing that barbarous enemy, is nevertheless the greatest

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donative ever given by an Assembly here to be expended out of the country. I am now endeavouring to lay out this small supply to the best advantage, as soon as the season of the year will favour an expedition against the Indians, and should have hoped by the assistance of the forces sent from South Carolina (which consist of 850 Indians and 33 white men) to have reduced the enemy, had the Government of North Carolina done their part: but notwithstanding the assurances given by their Assembly in their Address (*enclosed*) that they would supply with provisions and the charge of transportation, what forces should be sent from hence to their assistance; upon a conference which I had with some agents from that Government about 3 weeks agoe, they plainly told me that they could furnish neither: nor could they make any proposals to me either for helping themselves, or enabling me to do it. And tho' at their request I have supply'd 'em with the cloathing, which was intended for 300 men to go out against the Indians, they cannot now find 100 in the whole province to go on that expedition: some deserting the country, others absconding, and the rest sheltering themselves under the masque of Quakerism. Such gross mismanagements as these have in a great measure been the occasion of their unhappy circumstances, and must entail on them further miserys, if any accident should happen to the gentleman who commands the South Carolina Indians; for as they are made up of a great many different nations, and kept together by the sole authority of that single person, there is no question to be made, but that if he should fall, or recieve any considerable disadvantage in his attempts upon the Tuscaruros, all these Indians would immediately disperse and leave their friends in a much worse condition than they found 'em, having already committed very great disorders in the country through which they passed; from which no authority of their officers could restrain them. After my gratefull acknowledgments to your Lordps. for your favourable recommendation, to which I am satisfied I owe H.M. bounty in continuing to me the allowance for house-rent for two years longer, I am now to acquaint your Lordps. that I have obtained of the General Assembly a further sum of £900, for finishing the house for the Governor, and I hope with that money, to compleat it within the time H.M. hath been pleased to limit my allowance, and am so far from postponing the work for the lucre of that house-rent, that tho the money given by the Assembly is rais'd on a distant fund, which cannot be expected to come in, in at least two years, (because it is anticipated for the payment of former debts) I still continue the workmen upon my own credit, having no other intention than to accomplish what H.M. has so often recommended to former Governors. As to the other proceedings of the Assembly of lesser moment I refer your Lordps. to the Journals and the laws passed in this session, upon which I shall not need to give your Lordps. the trouble of any remarks, as judging neither the interest of Great Brittain nor H.M. prerogative to be anyway concerned therein, unless your Lordps. be of opinion that the Act to prevent land lapsing from infants untill three years after

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they come of age is such. Tho' I had a very just exception against this law, because I take it that nonage is not pleadable against the Crown, and am of opinion that 'tis presumption in a plantation Assembly to abridge the Crown of that privilege by an Act : yet finding the Burgesses extremely fond of this law, and that the country in general had set their hearts very much upon it, I was unwilling to sower their temper by contending with them in an indifferent matter ; I say an indifferent matter, because if H.M. shall think fitt to disallow this Act at any time within three years, the whole effect of it is destroyed. And since I have observed that whatever favours are allowed to pass in Acts of Assembly are seldom reckoned by the people in this climate as gracious concession of the sovereign, 'tis therefore in my humble opinion more advisable that such-like graces as these be extended to the country, in the same manner as they have recieved the benefitt of the Habeas Corpus Act. In pursuance of H.M. permission for passing into a law the 84th article of my Instructions relating to the conditions of granting of lands, I got a bill to be prepared by the Council in the manner I judged most agreeable to H.M. intentions, the circumstances of the country and the ease of the subject : a copy of which I herewith transmitt, wherein your Lordps. will observe the different sorts of cultivation proposed, as suited to the nature of the land to be taken up ; and as any other kind of improvement would be impracticable on those several soils, so there would have been a sufficient restraint on persons from taking up great tracts (as heretofore) without any design of cultivation : and on the other hand the conditions required being so reasonable on the part of the patentee, I could not but hope a House of Burgesses would have readily embraced that offer. But the license to which they have been hitherto accustomed remains still so fresh in their memorys, that it was with difficulty they would allow this Bill a second reading in their house, and then rejected it. Your Lordps. no doubt remember what applications were made to your Board, even by the President and Council against this instruction, and that during their administration it was never offered to be put in practice, which shews the general aversion of the whole country to alter their antient customs, how unreasonable soever they may appear to all disinterested persons. And it seems strange to me when I read over the records of the country to find such unaccountable proceedings in the granting of lands as have been practised heretofore : that the General Courts where the Governor has no negative voice, and must be concluded in his judgment by the majority of the Bench, should be allowed to pass grants of land, and even in a manner so dishonourable as to order the Governor to grant a patent, which nevertheless was the practice before my time ; that everyone who had a mind to a tract of land vested in the Crown either originally or by lapse or escheat, claimed a right to have a patent for it upon his petition, without acknowledging any right in the Governor to dispense the favours of the Crown, according to the merits and qualifications of the person. This custome being suffered so long to prevail is now pleaded as the



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right of the people, and all restrictions of that method look'd upon as so many infringements of their liberty. And H.M. favour seems to them a new term, with which they are not acquainted, or at least have forgot the meaning of. I shall however make it my business, as 'tis my duty, to bring them to another opinion : and I hope I have in some measure convinced them by the answer I gave to the Assembly's Address in November, 1710, (wherein they desired the ancient method of taking up land might be restored to them) since they have never yet thought fitt to make a reply, nor to trouble me with any further applications on that head. And I'm perswaded that nothing can be more pernicious to the good government of these plantations than to suffer any custom whatsoever to obtain either in the Courts of Justice or otherwise contrary to the just prerogative of the Crown, and wherein the favour of the Crown and the right of the subject are not distinguished ; so that I must offer it as my humble opinion that there is no necessity of making any laws for directing the manner of granting H.M. lands, and that the Royal Instructions ought in all such cases to be a law both for the Governor and the People. I cannot forbear taking notice of another abuse crept into the administration, in the way of claiming lands for the importation of persons into the Colony. By the charter of King Charles II, there is allowed to every person that shall come to dwell here 50 acres out of the land not already appropriated ; and although there can be no doubt that the design and meaning of this privilege was to encourage persons to adventure themselves for peopling the country, yet this privilege has not only been allowed to the persons imported but to the masters of ships who brought them in, to the merchants who had the disposal of them as servants, and to the masters who purchased their service ; so that for one person imported, there has been granted away, instead of fifty acres, no less than 200. By this easy way of obtaining rights for taking up land, and the encouragement given by the Act in 1666, establishing a sham condition of seating and planting, it has happened that such vast tracts are now possessed by sundry persons, who thought fitt to imploy their thoughts that way, which remain for the greatest part uncultivated to the great prejudice of the Colony, and the discouragement of future Adventurers, where they can find little or no convenient land to plant upon. By the law passed in 1706, concerning the granting, seating and planting of land, the privilege of 50 acres of land was again restored, solely to the person imported. But since the repeal of that Act people have begun to practice the same fraudulent way of proving rights for importation. For preventing of which abuse I have by a proclamation (*enclosed*) directed all rights already proved to be brought in for examination, before any patents are passed on them, and have settled a method for registering of future rights in the Secretary's office, wherby no person can obtain a grant of any greater quantity of land for one importation than is allotted by the Charter, and this will also prove a means of increasing the fund arising by the sale of rights. Notwithstanding the

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directions given by his late Majesty for revising the laws of this Colony and a long time spent therein by a Committee of the Council and Burgesses, which cost the country upwards of 1500*l.*, I find that work still very imperfect. For the body of laws passed by the Assembly in 1706 as prepared by the fore-mentioned Committee doth not comprehend (as was intended) the whole laws of the country, there being divers old Acts of Assembly still in force and particular clauses in other Acts yet pleadable in the courts of justice here, as not coming under the purview of the general repealing clauses in the revised laws ; which occasions great confusions in the proceedings of those courts, while people continue ignorant what is law and what is not. I might it's true have recommended this matter to the Assembly, and got them to reenact those other old laws. But when I consider how many disagreeable clauses were foisted in, both by the Committee and the Assembly that passed the late revised laws, which has occasioned the repeal of sundry of them, and divers others remain in force, which have passed unobserved among the crowd, I can hardly perswade myself to this method, and am very much in doubt whether it was ever your Lordps'. intentions that the revising the laws should be performed in the manner it was done. I therefore am of opinion that the collecting of all the laws now in force into one body may be done with better success by the Secretary of this Colony, the Clerk of the Council, the Attorney General, and one or two of the most eminent English lawyers here joined with them : for as the two first have the custody of all the Records, to which recourse must be had in this work, their concurrence and assistance will be absolutely necessary therein, and the other three will be best able to digest them into a proper method. I find they are willing to undertake the work, upon little more encouragement than the sole privilege of printing and selling the copyes. And if H.M. think fitt to allow those laws to be published by the Governor's authority and empower me to grant that license to these gentlemen, I shall then transmitt a copy of the whole to your Lordships for your perusal before they are printed. This I submit to your Lordps'. consideration, and shall wait your commands before I sett about this project. I have herewith sent your Lordps. an account of the arms and ammunition, according to the best account I could obtain of them from the countys into which they have been formerly dispersed : most of these arms are unfitt for service and the powder very much decay'd. I have also sent an account of the negroes imported from the coast of Africa, being but a small number in one ship last Fall ; and there's no great reason to expect many more while the price of tobacco continues so low, and the country by that means so poor. The list of births and burials herewith sent is not complete ; sundry parishes having failed to make returns ; for 'tis a thing so new to the people, that neither they care to register their births and burials, nor are the parish clerks yet brought into a regular method of transmitting them : but I shal endeavour to send your Lordps. a more exact account for the next half year. Col. Harrison one

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of H.M. Council being lately dead, I cannot recommend a fitter person to supply that vacancy than the gentleman H.M. was pleased last year to honour with the office of Secretary, Mr. William Cocke. The gentlemen of the Council who live near this place, being now reduced to a small number, it is difficult to get enough together on any sudden emergency ; which makes me the more desirous to have this gentleman speedily added, because of his residence at Williamsburgh, and that he will always be near at hand upon such occasions : and for the same reason I beg leave to mind your Lordps. of replacing Col. Bassett in his former post at that Board. *P.S.* I did not discover before I was sealing my letters that the laws are not written separately, as they ought to have been ; which is occasioned through the mistake of a new clerk of the House of Burgesses : but I shal take care to amend that error in the duplicates wch. shal be sent your Lordps. by the next conveyance. *Signed, A. Spotswood. Endorsed, Reed. 22nd April. Read 17th July, 1713. 8½ pp. Enclosed,*

272. i. Copy of an Address from the President and Assembly of North Carolina to Lt. Governor Spotswood. The many instances of your favourr encourages us to renew our supplications for some timely assistance, under the most miserable condition that ever people groan'd. We have exerted our utmost endeavours, as well by arms as by treatys to maintain the honour of the British and Christian character ; but what with the greatest poverty, the repeated slaughters of our men, and the disability of our few remaining by wounds and continual fatigues and marches, we are rendered not only incapable of carrying on an offensive but even a defensive war : and the barbarous heathen are too well acquainted with our disability, both which renders all treatys vain, and likewise makes us more obnoxious to their barbarous crueltys, *etc.* What we can promise on our parts is provisions and the expence of transporting the soldiers, which is all our wretched circumstances will admitt of, *etc.* *Signed, Tho. Snoden, Speaker. C. Gale, N. Chevin, Tho. Pollock, T. Knight, Wm. Reed, Tho. Boyd. 1 p.*

272. ii. (a) Proclamation by Lt. Governor Spotswood for publishing H.M. Proclamation of the Armistice. *Signed, A. Spotswood. Williamsburgh, Oct. 15, 1712. 1½ pp.*

272. ii. (b) Proclamation by Lt. Governor Spotswood requiring a return every six months of certificates of rights to land obtained in the County Courts respectively for the half year preceding to be examined and registered in the Secretary's office, *etc.* *Signed, A. Spotswood. Williamsburgh, Dec. 9, 1712. The whole endorsed as preceding. 1½ pp.*

272. iii. List of Births and Burials in Virginia, April 1st—Oct. 1st, 1712. *Totals : Births, Males 364, Females, 322. Burials, Males 93, Females, 75. Same endorsement. ¾ p.*



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272. iv. Accompt of negro slaves imported from Africa, 1712, 113, sold at from £20 to £28 a head. *Same endorsement.*  $\frac{1}{4}$  p.
272. v. Accompt of H.M. arms and ammunition in Virginia (*v. supra*). *Same endorsement.*  $\frac{3}{4}$  p.
272. vi. Copy of a Bill to come into force Dec. 25, 1713, *declaring what shall be accounted a sufficient seating and planting of lands hereafter to be taken up and patented.* *Same endorsement.* 3 pp. [C.O. 5, 1316. Nos. 94, 94 i.-vi. ; and (without enclosures) 5, 1363. pp. 488-506.]

Feb. 11.  
Virginia.

**273.** Lt. Governor Spotswood to [*? the Earl of Dartmouth*]. *Acknowledges* letters of Aug. 21st and 28th. I have caused the Truce to be published here as usual. In obedience to H.M. commands (April 14th) I laid before our late Assembly the 84th article of my Instructions to be passed into a law pursuant to H.M. gracious permission, but the house of Burgesses did not think fitt to agree thereto ; however that Instruction is already a law to me without the formality of passing it into an Act of Assembly, and must be so to everyone that pretends to ask a grant of the Queen's land. Tho' I cannot but believe it must be as disagreeable to your Lordp. to hear, as 'tis to me to write, a constant account of the miserys and distractions of my neighbouring province of North Carolina ; yet my duty to H.M. and regard for her subjects will not suffer me to conceal from your Lordp. their unhappy circumstances, nor to sitt idle, without using my utmost endeavours to relieve them ; for tho' they have lately recieved from South Carolina an aid of 850 Indians and 33 white men, under the command of one Col. James Moore ; of whose coming timely notice had been given them, yet that Government was so negligent and improvident, that they neither made provision for the subsistance of those forces, nor had in readiness any of their own to join 'em ; so that through the ungovernable temper of such a multitude, composed of a great many different nations, and the necessity of dispersing them about the country, for their better subsistance, the poor inhabitants have suffered a greater destruction among their stocks by there auxiliaries than they did from their enemys. Before the arrival of this succour, I had upon a representation from the President and Assembly of that Province (*enclosed*) obtained from our Assembly 1000*l.* to be employed for their relief, together with cloathing sufficient for 300 of their men, which could not otherwise endure the fatigue of a march against the enemy in the winter season. It was with much struggle I obtained this inconsiderable supply. And because such an insignificant sum required more than ordinary frugality in the management, I was willing to consult with the President and Council of Carolina, upon the most effectual measures for laying it out to their advantage. Yet after waiting above six weeks for their answer, and when at last I had taken the trouble of a long journey to their frontiers to obtain a meeting, neither the President nor the commander of

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their forces thought fitt to be there, but only sent two Deputys, who instead of offering any proposals or facilitating the prosecution of the war against the Indians, had only authority to tell me that the provisions promised by their Assembly for the forces intended to be sent from hence is not now to be expected from 'em ; tho' at the same time they could not but acknowledge that the small sum given for that service is insufficient for raising and subsisting such a body of men as can in prudence be ventured from hence into the Tuscaruro country. It is a difficult task I have to encounter, when no engagements of the persons principally concerned are to be relyed on, almost all the necessarys of tents, ammunitiion, etc., for an expedition wanting, no money to provide such necessarys, not one officer in this whole Government that knows anything of the discipline of forces to assist me, the people generally averse to undertake anything for the relief of these neighbours, no law in the country to compell them to serve in such an expedition, nor have I hitherto recieved any directions from H.M. to countenance me in any extraordinary measures I may have occasion to use in this conjuncture. And if the Government of North Carolina should still continue so stupid as to deny furnishing provisions : or if Col. Moore should happen to be baffled in his enterprize, the consequence may be fatal, both to that unhappy province and to the other neighbouring Governments, since by that means the Indians will be more encouraged in their insolencies. I shall however continue my endeavours to obviate these mischiefs as much as I am able *etc.* *Repeats part of preceding. Signed, A. Spotswood. 4 pp. Enclosed,*

273. i., ii. *Duplicates of Nos. 272 i., ii. [C.O. 5, 1337. Nos. 20-22.]*

Feb. 12.  
Treasury  
Chambers.

**274.** Mr. Lowndes to Mr. Popple. *Encloses following for the report of the Council of Trade and Plantations to H.M. thereon. Signed, Wm. Lowndes. Endorsed, Reed. Feb. 13th, Read July 17th, 1713. Addressed. 1 p. Enclosed,*

274. i. Petition of Anthony Swymmer of Jamaica to the Earl of Oxford, Lord High Treasurer. *Prays for a grant at the appraised value of escheated estate of Mrs. Williamina Kupius, his step-daughter, decd. without heirs, in the parish of Clarendon, Jamaica. Petitioner has long occupied this plantation. 1½ pp. [C.O. 137, 10. Nos. 18, 18 i.; and 138, 14. pp. 9-12.]*

Feb. 13.  
Treasury  
Chambers.

**275.** T. Harley to the Council of Trade and Plantations. *By order of my Lord High Treasurer I inclose the establishment proposed by the Board of Ordnance for Barbados, Jamaica, New Yorke and Annapolis, for your opinion thereupon, etc. Signed, T. Harley. Endorsed, Reed. 16th, Read 19th Feb. 1713. ¾ p. Enclosed,*

275. i. Charge of the establishment at Barbadoes. Engineer, Master-gunner, 17 gunners. *Total, 1076l. 15s. per annum. ¼ p. [C.O. 28, 13. Nos. 99, 99 i.; and (without enclosure) 29, 13. pp. 1, 2.]*

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Feb. 14.  
Whitehall.

**276.** The Earl of Dartmouth to Governor Lord A. Hamilton. Recommends Peter Beckford to his protection and favour. *Signed*, Dartmouth. [C.O. 324, 32. p. 208.]

Feb. 14.  
Whitehall.

**277.** The Earl of Dartmouth to the Council of Trade and Plantations. I send you enclosed severall letters and other papers relating to disputes that have hapned between my Lord Archibald Hamilton and Sr. Hovenden Walker, for your opinion, what orders may properly be given for putting an end to these differences so prejudicial to the service, and for preventing the like for the future. *Signed*, Dartmouth. *Endorsed*, Recd. 17th, Read 19th Feb. 171 $\frac{3}{8}$ . 1 p. *Enclosed*,

277. i. Rear-Admiral Sr. Hovenden Walker to Governor Lord A. Hamilton, Kingston, Aug. 11, 1712. Capt. Clifton having given me an acct. that Mr. Fagg has arrested him upon pretence of a box of lace which he found aboard the *Sina* when he seized her, as also upon acct. of a negroe that was at that time aboard and is now in the *Monmouth* amongst the rest of the men as a prisoner till inquiry shall be made into the proceedings of that privateer, I acquaint you with it, being Governour, that your Lordship may give some necessary directions therein, for if people shall pretend to arrest a Capt. of a man of warr, upon a seisure made before ye law has determined ye case it will be of very ill consequence and seems a great contempt of ye Queen's right of seisure by Her officers. I shall be glad to know what yr. Lordship thinks to do in this matter, before I take any measures therein: for if Capt. Clifton had taken ye persons aboard and carryed them to Brittain to answer it there, I think he had done well. *Signed*, Hovenden Walker. *Copy*. 1 p.

277. ii. Same to same. Kingston, Aug. 13, 1712. They again arrested Capt. Clifton yesterday, so that I told him I knew no better way of dealing with them, then taking ye persons concerned aboard, *etc. as above*. *Signed*, Hovenden Walker. *Copy*. 1 p.

277. iii. Same to same. Kingston, Sept. 20, 1712. I have yr. Excellency's letter concerning the two seamen belonging to ye *Defyance* who stole a silver tankard and I think they very justly deserve hanging, tho' if ye man that owned the tankard, as I understand, has got ye same again, he layes himself lyable to be tried since they cannot be tryed for anything, restored. However if your Excellency orders them, to be delivered when called for they shall be severely punished aboard. Mr. Perkin has thought fit to send Mr. Lodge to demand ye sloop seized at which impudence I had one thought of confining Mr. Lodge aboard, for it is not in ye power of any person seising in behalf of ye Queen to deliver ye seisure up without tryal, nor do I know by what authority Mr. Lodge could pretend to come aboard a



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flagg ship to make any demand since ye Fleet knows no superior but ye Queen and Lord High Admirall, *etc.* Signed, Hovenden Walker. *Copy.* 1 p.

277. iv.-viii. *Duplicates of Nos. 149 i.-v.*

277. ix. Rear-Admiral Walker to Governor Lord A. Hamilton. Kingston, Nov. 6, 1712. I am surprised you should imagine a Captaine of a man of warr should receive any person without my order, *etc.* Your letter of Sept. 28th mentions nothing more than that you desire a man of war to exchange prisoners at Petit Guavas, and no notice of your design to send a particular person, *etc.* Signed, Hovenden Walker. *Copy.* 1½ pp.

277. x. Rear-Admiral Walker's instructions to Capt. Hosier to proceed to Petit Guavas with prisoners of war to be exchanged for H.M. subjects, *etc.* Signed, Hovenden Walker. H.M.S. *Monmouth*, Port Royal Harbour, Oct. 29, 1712. *Copy.* 1¾ pp.

277. xi. Rear-Admiral Walker to Governor Lord A. Hamilton. Kingston, Nov. 9, 1712. Understanding that there is an Address from ye Council and Assembly to yr. Excellency that a representation may be made against me to ye Queen; alledging that Capt. Hosier by my orders refused to carry Mr. Basnet with ye expresses to ye Governor of Petit Guavas, which is false because there could be no occasion for orders from me forbidding him to take Mr. Basnet aboard: for without orders so to do he could not receive him. However had I known ye errand upon wch. Mr. Basnet was sent, I should and very justifyable, have forbid him: since I hold myself obliged, only to do everything relating to the Truce but nothing to support any person's private interest in trade, and therefore that all things may be made plain I herewith send Capt. Jackson's letter wherein he gives an account of what he knows concerning Mr. Basnet's instructions and buisness, *etc.* I desire it may be communicated to the Council and Assembly, *etc.* Signed, Hovenden Walker. *Copy.* 1½ pp.

277. xii. Capt. Jackson to [*? Rear-Admiral Walker*]. *Centurion*, Port Royall Keyes. Nov. 9th, 1712. I saw in Mr. Basnet's hands a scheme of trade to Petit Guavas, wch. he told me the Governour had desired him to draw up, *etc.* In reply to the Governor, Basnet had given his opinion therein that it could not be carryed on without consent of ye Flag. Signed, Rt. Jackson. *Copy.* 1½ pp.

277. xiii. Governor Lord A. Hamilton to Rear-Admiral Walker. St. Jago de la Vega. Nov. 9, 1712. I could not doubt after what past between us at Spanish Towne, when I communicated my Lord Dartmouth's letter to you concerning the cessation of arms, *etc.*, and my desiring a man of warr to send up ye French prisoners, but that you must necessarily conclude that I would

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not only send up dispatches to ye French Governor of ye Coast of St. Domingo, but a fit person likewise to negotiate an affair of so much importance *etc.* You can't (I imagine) in earnest after I had so freely communicated my thoughts to you *etc.*, beleive that the punctilio of desiring your order for Mr. Basnet to be reed. on board ye *Salisbury* can be thought a colourable excuse for sending away that ship without him or my dispatches, *etc.*, *etc.* I do not find by ye copy of your instructions to Capt. Hosier that he had any orders from you to communicate that Proclamation or insist upon ye subjects of ye French Kings not annoying H.M. subjects under Spanish Commissions, for which I had given particular instructions to Mr. Basnet, and welh. appears to ye Council a matter of such consequence as well with respect to H.M. service as ye intrest of H.M. subjects trading to and from ye Island that they have given it as their unanimous opinion that I should as I doe insist upon ye sending up another of H.M. ships with such persons as I should think propper for the negotiating an affair of such importance. *Signed*, A. Hamilton. 3 pp.

277. xiv. Governor Lord A. Hamilton to Rear-Admiral Walker. St. Jago de la Vega, Nov. 14, 1712. Upon considering your letter, *etc.* (*Nos.* xi., xii.), the Council and Assembly have come to resolutions that you have been misinformed of my instructions, and that the instructions I had given and the letters I had wrote to ye French Governor on the exchange of prisoners as on trade were very propper for H.M. service and ye good of ye Island, and have therefore unanimously desired me to prosecute my former intentions, *etc.*, and to insist that another man of war might be forthwith sent up with my despatches, *etc.* I renew my application as *No.* xiii. I desire you will return me ye letters and depositions I gave you when last here relating to inhabitants of ye Island being press'd on board ye Queen's ships here. *Copy.* 1½ pp.

277. xv. Rear-Admiral Walker to Governor Lord A. Hamilton. *Monmouth*, Port Royall Harbour. Nov. 15, 1712. Out of the great regard I have for your Lordship's family as well as upon acct. of the long acquaintance with and esteem for my Lord Archibald Hamilton; and as I have hitherto condescended to do many things for that consideration, I send this letter by the messenger who brot. your Lordships to me of this dayes date. But as Governour of Jamaica I give ye answer once for all, that unless yr. Excellency sends some of the Council to me for transacting or treating of any matters relating to H.M. service, I shall take no manner of notice of letters or messages sent or coming otherwise. *Signed*, Hovenden Walker. *Copy.* ¾ p.

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277. xvi. Duplicate of preceding.

277. xvii. Duplicate of No. 176.

277. xviii. Governor Lord A. Hamilton to the Lord High Treasurer. Jamaica, Nov. 22, 1712. *Refers to enclosures relating to dispute with Admiral Walker. Continues:* The *Sina* galley (v. No. i. *supra*) was ye privateer who was suspected and I am afraid very justly of committing those cruelteys upon ye Spaniards on the coast of Cuba in an intercourse of trade with our merchants of wch. I acquainted your Lordship, *etc.* Your Lordship will observe by the resolutions of the Council (No. xix.) how much I was inclined to avoid all difference with the Admirall, but whatever the privateers had done they insisted they were to be tryed by the law for it, and that Capt. Clifton had no right to their goods nor were they to be press'd or detained as prisoners on board the men of warr. Several persons had already been press'd off the Island, the Council were unanimous in their advice, and I could not but agree with them, and as I was unwilling the Admirall should be thought to give encouragement to what had been done in respect to the civil officer, I undertook to reconcile all matters wth. him, but it was some time before I could prevail with him to let the men be sett ashore to be proceeded against according to law, nor was it done till a good while after, which had an ill effect in alarming the inhabitants, and particularly the seafaring men; and the goods wch. Capt. Clifton had taken I am told are not yet deposited with the Registrar of the Admiralty into whose hands I had desired they might be put to wait the sentence of the propper Court; tho' the Admirall promised me this should be done above two months since. When those men were sett ashore I ordered them all to be committed and their examinations taken. The fact they appeared to have been guilty of, was the tying a Spaniard and a mulatto and severely whipping them to make them confess where they had hid their mony and goods, which goods they had bought out of a trading vessell, and which the privateers by this means took from the Spaniards again and part of wch. are ye same that Capt. Clifton has taken again from them, but as their Captain was killed in this rencounter and what ye men had done was alledged to be done by his command, all the advantage I was advised could be taken in this affair (for this is not within the American Act) was to prosecute ye security upon ye bond I had taken for performance of the instructions I had given them, which I accordingly ordered to be done, and expect the issue of it this Court, and which I hope may be successfull notwithstanding the difficultys I am told there will be in proving those particuler facts on which the forfeiture will arise, by reason that the actors themselves are all



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the evidence can be had and who will at least be very unwilling ones ; the men after about a month's imprisonment by the unanimous advice of the Council (without which I have acted nothing in this affair nor in any others of consequence) were sett at liberty ; only the principals were still kept bound to their appearance, and two, which were thought most proper, for witnesses in the prosecution upon ye bond, *etc.* The other fact of which I informed yr. Lordship in my last committed by ye privateers at Carthagena by compelling Spaniards to hand goods belonging to a Dutch trader out of a Dutch boat into a Spanish canoe and then making prize of them, which was the true state of that matter, has been prosecuted and waits but the usual forms for its decision, wch. I hope will be for restitution to be made, *etc.* I never expected what has pass'd would have occasioned any difference between the Admirall and myself, for I made it my business to quiet all sides, and put a stop to the actions against Capt. Clifton, and no prosecutions were commenced for the disorders complain'd of on the resolutions of the Council, upon the Admirall's word that the goods should be deposited and the men put ashore, which not being comply'd with renewed ye complaints from ye inhabitants. *Refers to No. iii. supra.* Capt. Chamberlain by the Admirall's order, seized a sloop in Port Royall Harbour which was come from the coast, and kept her several dayes before he so much as informed me of it, and some weeks past before any libel or other process was exhibited against her. In this interval the owners of the sloop required the Publick Notary to protest, which the Admirall resented in this manner (*No. iii.*). I cannot pretend to determine whether there was a justifiable cause for this seizure, for ye Court of Admiralty have not yet determined it, or whether (it being within the harbour) it ought not to have been made by the Navall Officer upon the Admirall's or Capt. Chamberlain's information, but it is certain this last method, has been ye practice in like cases here and it is naturall for everyone to conclude that if Captains of men of warr can press and seize, and neither be arrested nor protests be made against them, they may do what they please here, which in ye tendency of it has created a universall dissatisfaction amongst the merchants. I come now to what has been ye more immediate occasion of this unhappy difference, and the necessary cause of bringing the whole in judgment before yr. Lordship. *Refers to receipt of H.M. Proclamation of the Truce and Lord Dartmouth's letter of Aug. 21st.* The Admirall happening to be in towne I immediately communicated to him the commands I had received and proposed for H.M. service that a man of warr should be immediately sent to Petit

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Guavas with about 100 French prisoners which wee had, and to offer ye exchange of them on such terms as should be reasonable, and to notifie the truce and know of the French Governour what orders he had received from his Master ; The Admirall very readily consented and told me he would order a man of warr for that service. I accordingly prepared despatches *etc. (enclosed)*. But as the exchange of prisoners, as well as the affairs of trade might, as I thought, be better managed by a person with instructions then any other way, and the Capt. of ye man of warr who was to go, not having thought fitt to see me on the occasion, I determined to send Mr. Basnett an eminent mercht. of this Island, to whom I gave *enclosed letters etc.* I hope your Lordship will allow me to express my surprize to see Mr. Basnett return from the man of warr, with my letters and instructions, delivering me a letter from Capt. Hosier (*enclosed*) as the reason of his being refused to go, and the man of warr sailed without giving me an opportunity so much as to write to the Governor of Petit Guavas, *etc. Refers to enclosed resolutions and addresses of Council and Assembly, and correspondence with Admiral Walker.* There is this more to be added in answer to what the Admirall has alledged of my being wanting in not desiring his order for Mr. Basnett to go aboard, that Mr. Basnett by my order went to acquaint him that he had my letters and instructions to go, and was not told by the Admirall either that he should not go, or that there was any omission in forme. To my last letters, which contain matter of some consequence to H.M. service, I have only been able to obtain the answer (*No. xv. supra*) which is so extraordinary that I was at a loss what further to say or write. Before anything of this happened I had given the Admirall severall depositions wch. were brought to me by way of complaint of above 40 inhabitants taken off the Island aboard ye ships under his command, which I desired him to inquire into, but can now neither obtain any answer concerning such inquiry, nor whether he will return me the dispositions or not, *etc.* Much more of the kind complained of in the Address might have been sent. As to the men of warr's carrying goods, I must do the Admirall the justice that this is not particular to him or his squadron, but has been practised by others, only Admirall Walker alone has allowed a person (who publickly declared ye same in ye Assembly) to tell the merchants that he would order the men of warr to carry what negroes and goods he pleased, which could only serve to increase the dissatisfaction, and especially at ye time when the privateers were called in and by the prospect of a Peace could hope for no other way of subsisting here but by ye incouragement of navigation

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and trade. My humble desires are to rest this whole affair in your Lordship's pleasure, *etc.* Upon the encouragement of Admiral Walker's bigg words that nobody knows his power and that perhaps I may not be long in my Government, *etc.*, one gentleman, Mr. Totterdell by name, has said in ye Assembly, "How if Admirall Walker should be declared Governor now, how would they look who had shewn themselves against him"; which could be said with no other design than to terrifye other people and reflect on me, and as Admirall Walker has sided with and countenanced those persons only who have opposed all ye measures taken for H.M. service in the support of ye Government and sent publick messages to others who have been most usefull to the Queen's service, that he would turn this person out of the Council and the Speaker then in the chair from being Attorney Generall; I find myself under equall necessity to give your Lordship some accot. of my stewardship, *etc.* When I entered upon this Government all the Acts for publick service and supply were expiring and writts were issued by my predecessor for calling an Assembly which met about a month after my arrivall. The publick revennue (if about 4,000*l.* per annum be worthy of that name) was anticipated. There was scarcely sufficient to pay Major General Handasyd his salary at his going off, all publick buildings were gone to decay, there was not a house for me to go into in six months after my arrivall and I was forced to lodge in a private one. My lord, in the first year of the Assembly I obtained 5,000*l.* to be appropriated to the revenue and ye regiment and every other service provided for as formerly; Before this last meeting ye hurricane had happened, which had occasioned a new expence and I have obtained another sum of 2,000*l.* to be appropriated to ye revenue with ye other supplys as usual. I may without vanity assure your Lordship so much money has never been given in so short a time by any former assembly, and without it the ordinary contingencys of ye Government could not have been supported. The same Assembly My Lord has dutyfully addressed H.M. both the first sessions and now upon the glorious occasion of the Peace, which nobody opposed but Mr. Totterdale and Mr. Beckford and Mr. Carver, which last used the insolent expression of saying he was not for such flatterys and false shams to ye Queen *etc.*, which is upon the Minutes and which was complained of and he had been undoubtedly expelled for it, but for his submission and protesting he was so drunk he did not know what he said. And these same persons have opposed all other measures for the Queen's service. And yet these are the persons (I am almost astonish'd whilst I am telling it to yr.



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Lordship) favoured by Admirall Walker, and as it is said promised rewards and promotions, I suppose for no other reason but because they have shewn themselves opposers of my Government as they have been of all others, and whose characters (the two first particularly I might referr yr. Lordship for, to the accts. given of them by my predecessors) and who instead of rewards very highly deserve some remarkable discountenance, for the quiet and incouragement of the generally better disposed people in this colony. I should be unjust to those gentlemen whom the Admirall has publickly threatened with the consequence of his displeasure, if I did not acquaint your Lordship they have particularly distinguished themselves in ability and integrity for H.M. service, and as I endeavour alwayes to consider things more yn. persons, and look upon persons by their actions, I can distinguish no other party here but those who are for supporting the Government and those who are against it. Besides these difficulties I have mett with in the Government, I must acquaint your Lordship of another which has proceeded from an Instruction sent to my predecessor about a year or two before I had ye honour to releive him and which was on no account to grant any escheat for above 10*l.* before the Lord Treasurer for the time being was informed of it and which I have strictly complied with. But as these were by an Act of ye Island appropriated to ye support of the Government and there has been a stop in them ever since and none granted, the revenue has been thereby greatly diminished insomuch that it is computed at least 2,000*l.* every year inferiour to its annuall charge; but as this will require a good deale to be said to sett this matter in a clear view, I shall endeavour to do it by itself and desire ye Lords Commrs. of Trade to lay it before you, *etc.* Signed, A. Hamilton. Copy. 16 $\frac{3}{4}$  pp.

277. xix. Resolutions of the Council of Jamaica, Aug. 20, 1712. Capt. Clifton's detaining of the goods and men seized on board the *Sina* galley brought in by him was unjustifiable and an infringement of the liberty of the subject, *etc.* The owners had good cause of action against him, and their proceedings justifiable. Lt. Davis and others of the *Salisbury* prize who seised John Crossley in the discharge of his duty and execution of H.M. writ, and endeavoured to carry him on ship-board with menacing expressions, are guilty of high crimes and misdemeanours for which they ought to be prosecuted. The Council advise H.E. to acquaint the Admiral of the premises, *etc.* Copy. 3 $\frac{1}{2}$  pp.

277. xx. Duplicate of No. 148 xii.

277. xxi. Resolutions of the Council of Jamaica, Nov. 5, 1712. The measures H.E. had taken to send Mr. Bassett to the Governor of Petit Guavas, *etc.*, were very proper.

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The sailing of the *Salisbury* after refusing to take him on board is a very great affront to H.E.'s authority and may be of ill consequence to H.M. service in these parts, in that the Governor of Petit Guavas may remaine in doubt whether H.M. Governour of this Island has notice of the truce and has called in the privateers, *etc.* The Admirall's declaration mentioned in the affirmation of Joshua Perkin in relation to ye Governours of ye Island wearing flaggs which had alwayes been a custom for them to doe, within ye ports and harbours of their Government, and the general reflections upon ye people of this Island, were unnecessary and unprovoked and tending to encrease misunderstandings, *etc.*  
*Copy.* 2 $\frac{1}{4}$  pp.

277. xxii. Duplicate of No. 148 xiv.

277. xxiii. Deposition of Joshua Perkin, Master of the sloop *Jacob*, seized by Capt. Peter Chamberlain, H.M.S. *Monmouth*, Oct. 13, 1712. Deponent going on board H.M.S. *Monmouth*, Sept. 18 last, to demand some men that belonged to the *Jacob*, he was answered by Admirall Walker, "I won't let any of your men go ashore till the *Jacob* is either acquitted or condemned. Last night I found by examination you hoised Spanish colours, for which I'll shew you an act of treason. I don't question but all ye Island has been concerned in this trade. I know you are going to set ye gentlemen of ye Island and me at difference but I don't value them. I am above their power. They can do me no hurt, but I can do them a great deal of damage. They don't think themselves under ye Goverment of the Queen of England because they are so far off. But they may be called home. Your Governors formerly wore their flaggs in their boat but let me see any flag now I'll let him know he is as nothing afloat," *etc.* Signed, Josa. Perkins.  $\frac{1}{2}$  p.

277. xxiv. Deposition of Thomas Perkin. Nov. 8, 1712. Owner of the *Jacob* (*v. supra*) he demanded his sloop of Admiral Walker at the house of Col. Gomersall at Kingston, who replied that she had been trading at the Spanish ports contrary to the Act of Parliament, and that there was no law here against him, and that it was in his power to send her home to have her condemn'd; adding withall that if he should enter Perkins' house and carry away their money, there was no other redress to be had here against him, but to appeal home to H.M., and that nobody knew what power and authority he had, *etc.* Signed, Thos. Perkins. 1 p. [*C.O.* 137, 9. Nos. 78, 78 i.-xxiv.; and (*without enclosures*) 138, 13. p. 420.]

Feb. 17. **278.** John Baker to Mr. Popple. There being transmitted from Jamaica an Act to prevent any one person haveing more

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than one office of trust in that Island (wherein I am concerned) I therefore desire the favour of a copy. *Signed*, John Baker. *Endorsed*, Recd. Read Feb. 17, 17 $\frac{1}{2}$ . *Addressed*.  $\frac{1}{2}$  p. [C.O. 137, 9. No. 76 ; and 138, 13. p. 419.]

Feb. 18.  
Treary.  
Chambers.

**279.** T. Harley to the Council of Trade and Plantations. Encloses following for their report thereon to the Lord High Treasurer. *Signed*, T. Harley. *Endorsed*, Recd. Feb. 19th, Read March 11th, 17 $\frac{1}{2}$ . *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,

279. i. Governor Hunter to the Lord High Treasurer. New York, Oct. 31, 1712. Were I not perswaded that the complaints of ye distressed are only greivous to your Lordship when you have noe redress in your power, I would not at this time presume to trouble you with mine, consisting of these three heads. The Bills for ye expedition to Canada not answered, all ye bills for ye subsistance of the Palatins unpaid, and an expensive Government without support. The Earl of Dartmouth's letter of July 8th with ye assurances of the remittances being speedily answered brought me new life. Cops of my vouchers were sent home by the Virginia fleet long agoe, *etc.* I have acquainted ye Earl of Dartmouth and ye Lords of Trade with the present state of ye tarr work and workers, *etc.* I beg your Lordp. to consider that what I have done in that matter was by H.M. special order and instructions, which shall ever be sacred to me. I am perswaded that by this time your Lordp. is of opinion that ye distracted state of this Province calls for a speedy and effectual remedy which is not to be hoped for on this side. To your Lordship's wisdom I leave it, *etc.* I have studyed no other ends but ye advancement of H.M. interest and service and ye publick good. *Signed*, Ro. Hunter. 1 $\frac{3}{4}$  pp. [C.O. 5, 1050. Nos. 62, 62 i. : and (without enclosure) 5, 1123. p. 87.]

Feb. 19.  
(N.S.)  
Quebec.

**280.** M. Begon, French Intendant at Quebec to [?]. Requests "Milord" to forward a paquet to M. le Comte de Pontchartrain, containing a list of articles he requires to replace those lost in a fire in his house. *Signed*, Begon. *French*. 3 pp. [C.O. 5, 9. No. 114.]

Feb. 21.

**281.** Thomas Allen to Robert and William Heysham. The Committee concerned for the sufferers of Nevis and St. Christophers desire your attendance and accounts, *etc.* *Signed*, Tho. Allen. *Endorsed*, Recd. 24th, Read 25th March, 1713. *Addressed*. 1 p. [C.O. 152, 9. No. 156 ; and 153, 12. pp. 71, 72.]

Feb. 22.  
Antegou.

**282.** Governor Douglas to [? the Earl of Dartmouth]. *Acknowledges letters of Aug. 21st.* The first I received Oct. 15, 1712. with H.M. Proclamation of the truce with His Most Christian Majesty which was immediately published. I received the second



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by the *Nightingale* man of warr the 17th inst. with H.M. commands concerning Spain being included in the truce which I have notified to all concerned and given out a Proclamation to that effect that all hostilities are to cease, and the subjects of France and Spain not to be molested either in their persons or effects during the term the treaty is in force. This will prevent the Governor of Puerto-Rico from any further pretence of seizing any vessels belonging to the subjects of Her Britannick Majesty and afford a just occasion of reclaiming these in due form that have been already taken into their ports, *etc.* Signed, Walter Douglas. 2 pp. [*C.O.* 152, 42. No. 109.]

Feb. 25.  
Whitehall.

**283.** Council of Trade and Plantations to the Lord High Treasurer. We have considered Governor Nicholson's commissions (*v.* Jan. 27); and have prepared Instructions for him, relating to the Acts of Trade and Navigation, which are the same as are given by H.M. to all the Governors in America, to which we have added one clause, relating to the boundaries between Virginia and Carolina, and between Maryland and Pennsylvania. We have prepared heads of enquiry, relating to the trade and fishery of Newfoundland, which are the same as were annually given to the Commanders of the Newfoundland convoy. And in further pursuance of your Lordship's directions (Feb. 5), we have considered the Instructions relating to arrears of prizes, which we think may be of service, and to which we have added a clause to empower Col. Nicholson to make an allowance as proposed (Feb. 5), *etc.* [*C.O.* 324, 10. pp. 19, 20.]

Feb. 25.  
Whitehall.

**284.** Council of Trade and Plantations to the Lord High Treasurer. Col. Nicholson having received a commission from the Lords Proprietors of Carolina, and apprehending he cannot execute it without H.M. leave, we submit it to your Lordship, whether it may not be for the publick service, that H.M. permit him to execute the same. [*C.O.* 5, 1292. p. 376.]

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Feb. 25.  
Cock-pit,  
Whitehall.

**285.** Form of debentures issued to the sufferers at Nevis and St. Kitts from the French invasion, who resettled before Dec. 25, 1711, amounting to  $\frac{1}{3}$ rd of their losses, with 6 p.c. interest from Dec. 25, 1711. With receipts. [*C.O.* 243, 8. pp. 1-668.]

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Feb. 27.  
Whitehall.

**286.** Council of Trade and Plantations to the Lords Proprietors of Carolina. Enclose extract of Col. Spotswood's letter (July 26th, 1712) relating to Carolina and the Indians. [*C.O.* 5, 1292. p. 377.]

Feb. 27.  
Whitehall.

**287.** Council of Trade and Plantations to the Earl of Dartmouth. Enclose extract from Col. Spotswood's letter (July 26, 1712) relating to silver and gold mines on the back of Virginia, for H.M. pleasure thereupon. [*C.O.* 5, 1363. p. 478; and 5, 1335. No. 180.]

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Feb. 27.  
Whitehall.

**288.** Mr. Popple to William Blathwayt. The Council of Trade and Plantations being authorized and required by their commission to demand an account of all monies given for publick uses by the Assemblies in the Plantations, and how the same are or have been expended, their Lordships desire you will let them have a particular state of the revenue of each of H.M. Governments in America for the last year, or for such time as you are able. [*C.O.* 324, 10. *p.* 21.]

Feb. 27.  
Craven House.

**289.** The Lords Proprietors of Carolina to Col. Pollock and the Council of North Carolina. Whereas H.M. has been pleased to authorize Col. Nicholson to make enquiries into several matters mentioned in his commission in H.M. Colonies in America; we also being very well assured of the prudence and integrity of the said Col. Nicholson have thought fit to empower and authorize him by commission under the seal of our Province to make a strict enquiry into the illegal proceedings and disorders that have lately happened amongst you that by a full examination of the affidavits and allegations on both sides he may be able to inform us (in a more perfect manner than we have been yet informed) what was the occasion of them, and who were the authors and abettors of them, that such persons who have acted contrary to their duty might be brought to condign punishment; we therefore hereby require and command you that in the meantime till the said Col. Nicholson shal arrive in our Province all acts of hostility and severity cease amongst you and that you invite and incourage all the inhabitants of our said Province to return to their duty and to live and continue in their obedience to H.M. and her Governmt. *Signed*, Beaufort, Carteret, M. Ashley, J. Colleton, J. Danson. [*C.O.* 5, 290. *p.* 64.]

March 4.

**290.** J. Thurston to Mr. Popple. I have discoursed several of the Jama. merchants upon what I had in command from the Lords Commrs. of Trade, and none of them will undertake to say what the Island may be inclined to do. But since the country allows no more than 1,250*l.* a year (their money) for support of the whole charge of the fortifications there, they think that the entertainment of an Engenier and Storekeeper, which will amount to near half that expence, will scarcely be agreed to, *etc.* *Signed*, J. Thurston. *Endorsed*, Recd. 4th, Read 31st March, 1713. 1½ *pp.* [*C.O.* 137, 9. *No.* 80; and 138, 13. *p.* 421.]

March 5.  
Jamaica.

**291.** Governor Lord A. Hamilton to [*? the Earl of Dartmouth*]. I am sorry I should have occasion still to trouble your Lordship with complaints of Sr. Hovenden Walker's conduct here. I acquainted your Lop. before of his breaking off all correspondence with me, even upon H.M. service by returning my letters unop'ned, however I thought it my duty still to persist with giving him such notices by letter as I judged were necessary for H.M. service, the protection of trade and the safety of this Island; and upon that consideration I wrot to him Jan. 13th acquainting him of the

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agreement I had come to with the Comte D'Arquyan (*v.* Dec. 18), as also another to Sir Hovenden Walker of Feb. 26th having received a complaint from the Governor of Carthagena with a letter inclos'd to him, that Capt. Jackson Commander of the *St. Turian* [= *Centurion Ed.*] the same time he had convoy'd some tradeing vessels belonging to this Island to that coast, had taken as prize, while they were in an intercourse of trade with them, a Spanish vessell laden with cocoa and some money aboard, of which he complains and demands restitution. But to neither of these letters I have received any answe're from the Admiral, so that I shall be pretty much at a loss how to give the Governor of Carthagena the reasonable satisfaction that he might expect. My Lord we have found the advantage of the agreement and good correspondence with the French Governor on the coast of St. Domingo since the Treaty of Cessation, the privateers from Petit Guavos having usually most infested this coast, whereas there has not been the least infriengment on the Treaty on either side, that has not been effectually redres't and adjusted between us. But on the contrary from other parts the coast of this Island has been very much infested wth. privateers with Spanish commissions, and pyrats, or freebouters, by whom several trading vessels have been taken and even desents made on the north side of ye Island by which a gentleman there is intirely ruin'd by the loss of all his slaves and movables carry'd off by them, without any of the men of war here or Queen's sloops, as far as I have been inform'd or can learn giving them any obstruction or endeavouring to protect ye coast from such insults. I have not received any comands from your Lop. since yrs. of Aug. 21st, nor have I as yet received any publick accot. of a second suspension of arms. The *Nightingale* man of war which I have been informed is arryved at Barbados and bound hither, may probably bring me pacquetts from yr. Lop. and the Lrds. Commissrs. of Trade. I have been some time since credably inform'd that Monsr. Cassard was with a squadron of French men of war and privateers gon to attack Curassow, but have not yet heard the event of that expedition. I hear that Don Carlos de Suere who was lately Govr. of Carthagena is arryved at the Havana Governor of that place, *etc.* Signed, A. Hamilton. 4 pp. [*C.O.* 137, 51. No. 69.]

March 5.  
Jamaica.

**292.** *Same to the Council of Trade and Plantations. Repeats preceding, and adds:—*Since my last to your Lopps. there has been two appeals home from decrees in Chancery here, before I admitted of them I had recourse to my Instructions on that head, but do not find any directions in them relating to appeals from Chancery, nor can I find any precedent of such appeals having ever been made from this Island. However the value of both these suits exceeding 500*l.* each, I would not take upon me not to admitt of them, they giving the security to prosecute the said appeals, being highly sensible how lyable I may be to mistakes and errors in such cases. But I cannot but observe to yr. Lopps. that if such appeals are encouraged let the equity of the



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decree given be never so plain, the party looseing will never fail to appeal home ; upon the whole I shall pray yr. Lopps.' directions on this matter for my future conduct, *etc.* The crop of sugers here this year will not be great, however much better then could have been expected after the late hurrican, the weather since having been very seasonable. *Signed*, A. Hamilton. *Endorsed*, Rec. 18th May, Read 17th July, 1713. 5 pp. [C.O. 137, 10. No. 14; and 138, 13. pp. 509-513.]

March 14.  
N. York.

**293.** Governor Hunter to the Council of Trade and Plantations. I have not had ye honour of any of yr. Lordps.' commands since that the *Dunwich* man of warr brought me last fall. *Sends duplicates of former letters.* I must once more assure your Lordps. that there remains not ye least glimpse of hopes that an Assembly there will ever doe anything effectually for support of H.M. Government amongst them upon any other terms than her giving it up entirely to them, for what else would these articles they soe boldly insist upon amount to, if granted, vizt. raiseing of money by ways and meanes of their own exclusive of the Councill who they still affirm (notwithstanding of what your Lordps. commanded to be communicated to them, and the practice of former Assemblys) have noe right to meddle in money bills. Their lodgeing of all publick moneys in ye hands of a Treasurer of their own, who is to dispose of none but by their direction, by that means makeing a cypher of Governour and Councill, and suspending from ye execution of his office H.M. Receiver Generall soe constituted by her Royal Letters Patents under ye Broad Seale ; their nameing and appointing such salaries, and to such officers only as they shall thinke fitt, without any regard to those of H.M. appointment. Now my Lords, these resolutions and practices haveing soe aparent a tendency to ye dissolution of ye Government, remote from requisite remedies in such a case, I would choose any extremity rather than close with them, tho' I had not that sacred barr, H.M. Instructions soe expressly forbidding me. I have however with ye advice of ye Councill dissolved this Assembly, not out of any hopes wee conceive from a new election, but meerly as a duty incumbent upon me, after ye disrespectfull behaviour of ye last, for when they have fixt ye name of slavery, upon the supporting ye Government in ye manner H.M. has been pleased to direct, and that of liberty, on their rash resolutions and practices, and have taught the thoughtless people to speake after them, there remaines but small hope of any change in the elections, but what may be for ye worse as wee have experimented in the elections when the dissolution was an act of their own. *Encloses Minutes of Council and Acts passed last Session*, "none of which want any observations only the Negroe Act, which tho' much mitigated in its severities by ye Councill's amendments, I am apt to beleive your Lordps. will still think too severe, but after the late barbarous attempt of some of their slaves nothing less cold please the people. This leads me to acquaint your Lordps. that by some private letters I am informed that ye Earl of Clarendon has given himselfe much trouble to obstruct the pardon

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of those I had reprimanded, and that there was a petition signed by many hands gone from hence for the same purpose. I am since satisfied here that there was such a petition secretly carried round by one Bickley a busy waspish man who acted then as Attorney General; the grand design of that petition was to confirm some people in the belief of what he and his associates give out that I have neither credit or favour at home, the secondary one to give credit to his own infamous proceeding in that matter, for there being some pique between him and Mr. Regnier the master of one of the suspected negroes, after he had been twice acquitted by two different juries of the most creditable and substantial of the inhabitants here, he had him by some fetch of law tried again at the Supreme Court, where he found a jury tractable to his purpose where he was found guilty; I solemnly protest to your Lordships that in what I have done I had no view but to save innocent blood, for by all the examinations and declarations of the evidence and the persons executed, I am convinced in my conscience that he is as innocent of that fact or the contrivance of it as ye child unborn. The others are Spaniards unjustly kept in slavery here many years and reprimanded by that Bickley's own desire, for it was Clerk who came to desire the mistress of one of them to beg for a reprieve, about the time of their intended execution, when ye whole town seemed to acquiesce in their innocence and approve of the reprieve; many who have signed that paper have declared to several gentlemen that they knew nothing of the contents thereof, but being told that it was an Address for a law to punish negro slaves, they signed it; I have in this acted according to conscience and shall wait for the issue from H.M. determination, and only beg leave to observe upon this occasion that if clandestine representations projected by an angry and designing man and handed round to ye unwary and ignorant for subscriptions should gain credit and countenance at home, the Governor whoever he be, must have a very uneasy time of it, who knowing nothing of his accusation or accusers and living remote from his equals and just judges, suffers in his reputation and perhaps in his fortunes without a remedy. The House of Representatives past and sent up a Bill for the naturalization of all foreigners being protestants, which also past ye Council, but an Act of the like nature being so lately repealed in England, and their behaviour here intitling them to no such favour from ye Crown at present, I judge it adviseable and for H.M. service to refuse my assent to it at this time. There having been for some years past a total cessation of ye pay of H.M. quit-rents I did by advice of the Chief Justice, and others learned in the laws issue out writs from the Chancery for that purpose, which begin to have their just effect for many are since come in to pay their arrears. It appeared a combination by their own confession several having owned that they were resolved never more to pay any relying upon the scence and strength of a country jury, if they should at any time be sued for the same. But indeed the yearly quit rent of this so considerable Province, amounts to so insignificant a summe, that I

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cannot help blaming ye negligence of such as have made out these soe very large grants with little if any reservation to the Crown : and in one very hard case upon the Crown I must intreat your Lordps.' opinion. Some who held originally tracts of land under a certain stated quitt-rent have from succeeding Governours obtained new grants for the same, or grants of confirmation without any reservation reducing the old quitt-rent to a summe next to nothing. *Quere* whether these subsequent grants be good in law, and whether the parties be not bound to pay the quitt-rents specified in their originall grant. Others have grants with this reservation only, paying such quitt-rent as shall hereafter be established by the laws of this Plantation ; and others, such as shall be establish't by his Royall Highness, his heires and successors. Now H.M. has by her Instructions establish't half a crown for every 100 acres at least. *Quere* whether such are not obliged to pay that half crowne at least from the date of such Instruction, or from what other commencement they are obliged to pay it. In the next place, my Lords : The Palatins remaine within the province, and for ye most part within ye lands where I planted them, subsisting as they can and waiteing H.M. resolution. Cold I find any more credit I would sett them to work this spring to prepare a succession of trees, but that is long since exhausted, none of my bills of any kind being paid at home, and I myselfe reduced to very hard shifts for a bare subsistence. Neither is it possible to oblige them to work in ye woods without subsistence, tho' for ye future I beleive the work may be carryed on by barely subsisting the workers dureing ye times they shall be employed with the addition of a small allowance of bread for their families, soe that the yearely expence may be reduced to 5,000*l.* sterl., not including the expence of horses waggons and magazines with their proper officers. Your Lordships understand me well, that I doe not propose this as a perpetuall expence, but only untill such time as wee can have returnes of the produce of their labour, which considering the disapointments in point of time by their late arrivall in ye first yeare, and the interruption caused by ye non payment of my bills, and the time necessary for makeing of tarr, as it is plaine from the practice of ye Eastern Countries and our own experience, is three yeares, may be reasonably calculated to be requisite for two yeares forward at least, which also is to be reckoned as money lent to them seeing by their contract they are to repay it by their labour. It is some small comfort to me that I have brought that great undertakeing to all the perfection that human power or industry cold doe in that time and under such circumstances, and that wee have a demonstration of ye success of our labours, the prepared trees tho' not yet ripe for manufacture yeilding great quantities of turpentine. I acquainted your Lordps. in my former that the fort and chappell in ye Mohocks' village was finished. The Missionary at first had but an indifferent reception by ye means of one Hendrick who was one of those carryed to England, who had possessed them with a notion that the Minister was to claime a tenth of all their lands and goods, but being undeceived they have



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received him kindly and have expelled their community one of his opposers for that and having poisoned another." *Refers to enclosed expenses of Assembly.* "From which you will perceive what induces them to sitt and doe noe business, for by that means they create a nesessity of frequent sessions, and thereby receive a greater income than for the most part their farms or employments yeild them. The account I had from their own clark. I most humbly recommend myselfe and my sufferings to your Lordships' consideration and generous patronage." *Signed, Ro. Hunter. Endorsed, Recd. 22nd, Read 23rd April, 1713. 6 $\frac{3}{4}$  pp. Enclosed,*

293. i. Account of the charge of the sessions of General Assembly, Sept. 1, 1710—Dec. 10, 1712. Members' and officers' salaries and incidentals :—*Total, 2,524l. 19s. 6d.  $\frac{1}{2}$  p. [C.O. 5, 1050. Nos. 63, 63 i.; and (without enclosure) 5, 1123. pp. 92–103.]*

Mar[ch 14]. **294.** Governor Hunter to the Earl of Dartmouth. *Encloses New York. following.* "I am reduced to worse circumstances than the worst of my enemies could wish." *Signed, Ro. Hunter. 1 p. Enclosed,*

294. i. Duplicate of No. 296 i.

294. ii. Duplicate of No. 296.

294. iii. Duplicate of No. 293. [C.O. 5, 1091. Nos. 83, 83 i.-iii.; and (duplicate of covering letter and Nos. ii. and iii.) 84, 84 i., ii.]

March 14. **295.** Governor Hunter to [? the Eart of Dartmouth]. My sufferings are known to you and my releif so necessary and just that I bear them with patience in hopes that the dispatch of more weighty affairs will speedily afford leisure for that. I must beg leave once more to put your Lordship in mind of your poor Cousin Harison who deserves well of mankind, there is no man better beloved by all or fitter for business and it greives me that I have it not in my power to prefer him as he deserves. Your Lordship once laid your commands upon me to send you my thoughts with relation to the Brittish interest in America. I think it my duty at this time to acquaint your Lordship that some new measure lately resolv'd upon in France for planting and establishing Colonies on the river Messasipe all along the backs of our settlements has given great umbrage and apprehensions in these parts least in time these settlements may deprive us of the trade and dependance of the Natives. My Lord I know not how the freedom I am goeing to take might be construed by others, but am persuaded that your Lordship will put no other construction than the true one upon it, that is a zeal and concern for H.M. interests in these parts. I humbly conceive you have been kept in the dark, to say no worse of it, as to the nature of the Government of the five Indian nations as they are called, which by experience and the information of all those I have had any conversation with amongst them I am convinc'd is now and has in all times been no other than this. Such numbers as for the conveniencys of hunting and fighting, all the businesse of their

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lives, herd together live in a perfect state of nature every man his own master free from all rules or regulations, or any constraint from custom itself, only in the two important affairs mentioned the younger sort are readily advised by such of the elder as have by the common vogue the reputation of the wisest, neither are they under any obligation to follow such advice, there being no coercive power or penalty lodged or so much as supposed to be anywhere amongst them, only they conclude it folly not to be advised by those who have more sense and experience than themselves and can have no interest in imposing upon them, for that reason these sages call'd by them Ianer, the word Sachim appertaining only to our river Indians, are commonly the most indigent being the most ancient unable to hunt themselves and haveing no share in the produce of their exploits of any kind but such as these concern'd in takeing the booty think fit voluntarily to leave them, for at their return from these employments the wise men divide to each his share saving nothing to themselves, neither are they or can they be confined to any certain number there being no other election or nomination of such but the impression that the experience of their life and behaviour makes on the mind of the generality. When at their own or my desire I have at any time met them the whole body hears what I have to propose, after which they retire and consult together and haveing agreed upon answers to each individual proposition one of these sages is chosen by the whole to report them neither is their voice delivered by any one particular man but sometimes by one, sometimes another, though most commonly they choose the eldest and most eloquent amongst them. Their wars are begun and carried on in this manner, one of them who has got the design in his head makes a feast and invites his canton to it and in the assembly he dances explaining in a song his intentions and reasons, such as approve of it dance one after another and all that eat at his feast are looked upon as listed for yt. expedition and the proposer is constantly the leader for that time. This much is sufficient to let your Lordship into the nature of their no government upon which in a great measure our security depends, it not being probable that they should at any time all agree to fall upon us without just provocation, but if some from mistaken notions or private purposes should endeavour to establish with success any other form amongst them by applying meanings to words to which they have no manner of relation and should it be obtruded upon that people that such and such are Princes because we think so or call them so and should these Princes assume or acquire an authority in any measure proportion'd to that of European potentates, from that minute our quiet and safety must depend upon their caprice, who haveing little to doe at home and commanding a people who have less will probably be for makeing war where they propose to doe it with most ease and profit and may be easily bribed to disturb us by our enemys when we are so unhappy as to have any in our neighbourhood. Happily indeed for us those who were carryed to England were men of no consideration or rather the most obscure amongst them. Hendrick its true had

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some credit with the small village of Mohaks called Scoharee, but he himself a river Indian and a very turbulent subtle fellow, who since his return has given us more trouble than all the other Indians beside, and had he had the hundredth part of that power which was ascribed to him we must have been in actual war with them at this time. I must acquaint you with one particular. The people of Scoharee (who held that land by no good tenure having formerly sold it but the grant of it being revok'd by an act here, the Government here gave the Indians again possession of it) were prevail'd upon to make a cession of it to the Queen. Hendrick kept them off a long time from compleating their act of cession under pretence of the insufficiency of the presents which I at last considerably augmented which determined them to accept of them, but Hendrick then their Speaker full of his imperial power ventured to deliver his sentiments contrary to what he had in instructions from them upon which the minute they left me they fell upon him and had torn him to peices but for the interposition of some soldiers and my servants and they immediately return'd and resign'd their lands. To shew your Lordship how apt they are to extend the notion of princely power when they have receiv'd it, I must trifle once more. One of the River Indians takeing away a candle from before me was chid by one who stood by, but he readily replied, I Sachem, I King, I doe what I please, tho' at the same time he neither had or claim'd respect or obedience from his fellow savages. Upon the foot they now stand they are easily managed, a little art and industry with their antients carrys most points, but should they happen to be new modell'd, we shall be at a loss what measures to take. What I have set down is a rude sketch of their ruder government, and whether the contrary notion has arisen from deception or design, or whether those who have imposed upon others were not first imposed upon themselves I shall not take upon me to determine, but I am bold to affirm that from that minute that these notions with relation to their government which have obtain'd among us prevail among them, we shall enjoy here but a very precarious security, etc. *Signed*, Ro. Hunter. *Endorsed*, Rd. April 24th, 1713. *Holograph*. 4½ pp. [C.O. 5, 1085. No. 11.]

March 14.  
New York.

**296.** Governor Hunter to the Council of Trade and Plantations. This letter relates to the affaires in New Jersey, which remain still in the same perplexity untill H.M. pleasure be known touching the alteration of her Council there upon which intirely the quiet of that Province depends. There has been somehow handed over hither a copie of a representation said to be given to your Lordships signed by Jacob Henderson missionary for Dover Hundreds in Pensylvania aspersing foully several gentlemen recommended for Councelors, some of the gentlemen concern'd being so basely attackt in their reputations, thought it necessary for their justification to appeale to the convocation of the clergy of both Provinces assembled at New York, who unanimously agreed upon the resolution of sending to Mr. Henderson a letter



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sign'd by them all, a copie of which is here inclos'd, *etc.* Nothing but the appeal I have made to H.M. could have kept me from suspending some of these gentlemen of the Council for their turbulent and undutifull behaviour, and I cannot doubt but that your Lordps. will do your endeavour to prevent H.M. authority from being trampled upon in the person of her Governour how inconsiderable soever that may be, whilst she is pleas'd to continue him in that office. Mr. Sonmans still absconds and continues to disperse his libels. Mr. Pinhorn has never attended the Council since the first Assembly and I believe resolves never more to do so. Mr. Towneley, Mr. Gardner and Mr. Quarry are dead. Mr. Cox talks still confidently of his going for Engld., so that I shall hardly be able to make a quorum of Council for buss'nesse, and even many of them dispos'd and resolv'd to obstruct all buss'nesse. I formerly wrote to your Lordps. about a Court of Chancery in that Province. The subject in this finds ease and reliefe from it, and these in the Jerseys beg and groan for it, but there is no hopes of opening such a Court with the advice of the Council as it is now constituted. I desire to be resolv'd by your Lops. whether the custody of the Seale does not actually constitute such an officer and court, and if so whether I may not by Proclamation without the Council's concurrence declare such a Court to be open'd. It is to no purpose to let the Assembly meet untill H.M. pleasure relateing to her Council there be known. *Signed*, Ro. Hunter. *Endorsed*, Recd. 22nd, Read 23rd April, 1713. 2 pp. *Enclosed*,

296. i. Convocation of Clergy at New York to Mr. Jacob Henderson. March 5, 17 $\frac{1}{2}$ . *Protest* against the characters he is said to have given to the Board of Trade of some gentlemen recommended by the Governor for Councillors. *Signed*, Alexander Innes, Æneas McKenzie, John Barton, Chris. Bridge, Edward Vaughan, John Charpe, Daniel Bondet, T. Haleday, Henricus Beys. *Copy*. 1 $\frac{1}{2}$  pp. [C.O. 5, 970. Nos. 163, 164; and (without enclosure), 5, 995. pp. 170-173.]

March 17. **297.** Council of Trade and Plantations to the Lord High  
Whitehall. Treasurer. Your Lordship having been pleased some time since to order one year and a half salary to this Board, we hope your Lordship will be so good to direct the payment thereof. [C.O. 389, 37. p. 56.]

March 21. **298.** H.M. Commission for Capt. John Moody to be Lt.  
St. James's. Governor of Placentia. *Countersigned*, Bolingbroke. *Endorsed*, Recd. 15th June, 1713. *Copy*. 1 p. [C.O. 194, 5. No. 24; and 195, 5. pp. 312, 313.]

March 21. **299.** Memorandum of letter from Thomas Harley, Secretary to the Treasury, to the Council of Trade and Plantations. *Slip*.  $\frac{1}{2}$  p.  
*Enclosed*,

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299. i. Establishment of the garrison of Annapolis, 1711. *Total*, 2,162*l.* 12*s.* 6*d.* *Endorsed*, Feb. 16, 17 $\frac{1}{3}$ .  $\frac{1}{2}$  *p.*

299. ii. Establishment of the garrison of Annapolis, 1713. *Total*, 1,204*l.* 10*s.* *Same endorsement.*  $\frac{1}{2}$  *p.* [*C.O.* 217, 1. Nos. 9 i., 9 ii.]

March 21. **300.** Thomas Gordon to [? *Mr. Popple*]. *Encloses following*,  
New Jersey. to clear his character from Mr. Henderson's unjust aspersions,  
*etc. Signed*, Thomas Gordon. *Endorsed*, Recd. 30th May, 1713,  
Read 23 Nov., 1717. 1 *p.* *Enclosed*,

300. i. Certificate by Alexander Innes in favour of Lt. Col. John Anderson, recommended for the Council of New Jersey, and aspersed by a memorial subscribed by Jacob Henderson, missionary to Dover Hundred in Pensilvania and presented by him to Lord Winchelsea, president to the Lds. Commissioners of Trade. 12th March, 1712 (1713). *Signed*, Alexander Innes, presbiter. *Endorsed as preceding.* 1 *p.*

300. ii. Certificate by Robert Watts, Factor of the African Company, in favour of Capt. John Anderson, late commander of the *Unicorn*. 20th March, 17 $\frac{1}{3}$ . *Signed*, Rot. Watts. *Same endorsement.*  $\frac{1}{2}$  *p.*

300. iii. Certificate by Edward Vaughan and T. Halliday as to the character of Thomas Gordon. "He is learned in the law, and science mathematical, *etc.*, and not only catechises and instructs his children, but his slaves in ye principles of the Christian faith" *etc.* 16th March, 1712 (1713). *Signed*, Edward Vaughan, minister of Elizabeth Town in New Jersey; T. Halliday, minister of Perth Amboy, *etc.* *Same endorsement.* 1 *p.*

300. iv. Similar certificate. *Signed*, Aeneas McKenzie, 21st March, 17 $\frac{1}{3}$ . *Same endorsement.* 1 *p.*

300. v. Similar certificate as to the character and good family of Thomas Gordon. 12th March, 17 $\frac{1}{3}$ . *Signed*, Alexander Innes, presbiter. *Same endorsement.*  $\frac{1}{2}$  *p.* [*C.O.* 5, 971. Nos. 17, 17 i.-v.; and (without enclosures) 5, 995. pp. 341-343.]

March 21. **301.** T. Harley to the Council of Trade and Plantations. The  
Treasury Lord High Treasurer desires you to take the usual method in  
Chambers. obtaining H.M. hand to Governor Nicholson's instructions (Feb. 25), adding enclosed to those proposed for enquiring into arrears of prizes, *etc.* *Signed*, T. Harley. *Endorsed*, Recd. 23rd, Read 31st March, 1713. *Addressed.* 1 *p.* *Enclosed*,

301. i. Mr. Burchett to the Lord High Treasurer. Admiralty Office, Feb. 27, 17 $\frac{1}{3}$ . The Lords Commrs. of the Admiralty having reason to apprehend the Queen hath been defrauded of considerable sums in the Plantations, propose that Mr. James Smith (who was formerly Agent for Prizes in the Fleete abroad, and now Judge of the Court of Admiralty in Newfoundland) may be employed under Genl. Nicholson in inspecting

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into the rights and perquisites of the Admiralty, with an allowance for his pains *etc.* *Signed*, J. Burchett. *Addressed*. 1 p.

301. ii. (a) Instructions for Governor Nicholson for recovering any rights and perquisites of Admiralty in America, since H.M. accession, which have been either conceal'd or imbezled, or not properly accounted for.

301. ii. (b) List of prizes accounted for. *The whole*, 4 pp. [C.O. 323, 7. Nos. 24, 24 i., ii. ; and (without enclosures) 324, 10. pp. 22, 23.]

March 27. **302.** The Lords Proprietors of Carolina to Governor Craven. Craven House. We have herewith sent you the heads of an Act of Assembly which we think proper to be passed for the better securing our debts and chief rents to us and for confirming the titles of the inhabitants to their plantations and estates. We have complied with the proposalls that were sent to us by our Chief Justice for the passing such a law, and have advanced yours and some other salaries, and have consented to the publick buildings wch. we think to be for the honour and advantage of our Government. We being inform'd of Sir Anthony Craven's death, are apprehensive that your affairs, upon that occasion, may require your coming for England, and in that case have appointed Mr. Robt. Johnson to succeed you, but we shall not grant him any Commission till we can receive further advice from you. *Signed*, Beaufort, Carteret, M. Ashley, J. Colleton, J. Danson. [C.O. 5, 290. p. 65.]

March 27. **303.** Same to Nicholas Trott, Chief Justice of South Carolina. Craven House. We received your letters with the heads of an Act of Assembly for the better securing our chief rents and for the confirming and settling the titles of the inhabitants of our Province to their lands ; we think it very reasonable that such a law should be passed, and have therefore sent you back the heads which we think proper for such an Act wth. very little alteration from those you sent us ; we recommend to you the care of this and what other Acts of Assembly shal be thought proper to be transmitted to us for our confirmation. *Signed as preceding*. [C.O. 5, 290. p. 66.]

[March 28.] **304.** [Relatives of General Parke] to the Council of Trade and Plantations. The relations of Generall Parke trouble your Lordships with the inclosed, and hope you'l represent the matter in its proper collours to H.M. in Generall Councill, where 'tis thought she will declare her Royall pleasure about it this night. And they have too much reason to think that she is much imposed upon as to the whole fact. *Endorsed*, Recd. 28th, Read 31st March, 1713. *Addressed*. 1 p. *Enclosed*,

304. i. Truth brought to light ; or, murder will out ; being a short, but true, account of the most horrid, barbarous, and bloody Murther and Rebellion committed at Antego in the West Indies, against Her Majesty and Her Government. Designed to show that the murder was the result of a conspiracy. *Printed*. 4 pp.



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304. ii. Some instances of the oppression and male administration of Col. Parke, *etc.*, and remarks on *preceding*. Printed. 4 pp. [C.O. 152, 9. Nos. 157, 157 i., 158.]

March 30. **305.** Governor Douglas to the Council of Trade and Plantations. The best account, that I have gained of Monsieur Cassarts' expedition agt. Curassow is, that he hath lost his 70 gun shipp, and rather compounded with, then ransomed the place for 150,000 crowns, and in some measure to save his honor. without hurting the Colony, and tho' we hear the Dutch behaved themselves but indifferently, yet the French were losers. In pursuance of the directions that I received from the Commissioners of Customs, I have call'd a Court of Exchequer, and have appointed the Reverend Jonathan Yate Giffard Clerk Chancellor, John Lucas, Esq., Chief Barron and Abraham Redwood, Samuel Parry and — James, Esqrs. puisny Barrons and the Attorney Generall has exhibited 119 informacons upon soe many plantation bonds that doe not appear to be legally discharg'd, great numbers have been lost and illegally discharged, but these prosecutions extremly allarm the Collony, and put the planters in great fear of forfeiting their estates, and well deserves your Lordships' consideracon, how farr it may be convenient to proceed therein, upon which subject I hope to receive your Lordships' directions. *Signed*, Walter Douglas. *Endorsed*, Recd. 26th May, Read 14th July, 1713. 1 p. [C.O. 152, 10. No. 4; and 153, 12. pp. 101, 102.]

March 30. Barbados. **306.** Governor Lowther to the Council of Trade and Plantations. Your Lordships letter of Aug. 27th came not to my hand till the other day. I must crave leave to remind your Lordships that I sent Mr. Kerby to England upon a letter I receiv'd from General Douglas dated Jan. 7th, 1711-12, wherein he not only charg'd him with the murder of Mr. Parke, but did also assure me that there were sufficient evidences in England to prove the fact against him. I did conceive that this letter was not only a good warrant for me to apprehend Mr. Kerby, and to send him to England, but also that I should have been remiss and tardy in my duty and service to H.M. if I had not done it, *etc.* However, for the future I shall give no credit to any such letters, *etc.* *Acknowledges* letter of Dec. 22 last with H.M. two orders of repeal "which I shall cause to be publish'd in the usual manner and enter'd in the Council books." *Encloses sessional papers, etc.* *Signed*, Rob Lowther. *Endorsed*, Recd. 18th May, Read July 17th, 1713. *Addressed. Holograph.* 1 $\frac{3}{4}$  pp. [C.O. 28, 14. No. 4; and 29, 13. pp. 62-64.]

March 31. Jamaica. **307.** Governor Lord A. Hamilton to the Earl of Dartmouth. Since my last (*duplicate enclosed*) H.M.S. *Nightingale* arryved here, by her received yr. Lop's. of Aug. 21st, which I have strikly comply'd with, and have likewise given orders to all under my Government that due respect be had to all such passes as H.M. has thought fit to grant to French and Spanish ships. How well H.M. commands has been obey'd in these points by Sir H. Walker

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and some of the Comanders of Her ships here yr. Lop. will best judge by stateing two facts which I think my duty to represent. *Refers to complaint against Capt. Jackson, v. No. 291.* I received an answer from the Admiral the 6th March in the words following (viz), "I had own'd yr. Lop's. letter and the Governor of Cartagena's letters sooner, but expecting the bark in here that Capt. Jackson seiz'd, and that not yet ariving it is to be presumed she may be return'd to Cartagena and therefore am at a loss what to determin therein. But being now under orders to proceed to Great Britain with the squadron I shall leave all matters relating to that affair to be determined there." The Admiral takes no notice of the money (6000 ps. of 8 as I am inform'd) Capn. Jackson took out of that vessel and actually brought with him to this Island, so that I am no less at a loss how to answer the Governor of Cartagena's letter, and of what consequence the delay of satisfaction to so reasonable a demand may be to the trade of this Island, I humbly submit to yr. Lop.; and we have already had an instance of the ill consequence of such a proceeding. The master of a tradeing vessel belonging to this Island returning some days ago from Porto Velo assured me that he had not dispos'd of any part of his cargo, and that the Governor of that place had strikly forbid to trade with the English, till such time sufficient restitution be made them for the said bark, and there are now several other vessels richly laden gon a tradeing on that coast, which we may reasonably expect will return with the same disappointment. The other fact that I shall lay before your Lop. is this, upon receipt of a letter from Mr. Burchett by command of the Lords of the Admiralty of Oct. 27th last by the *Nightingale* that arrived here the 11th instant, I gave notice by letter to Rear Admiral Walker that I had received dispatches by that ship from the Court of Madrid to their several Governors in America, and of its being recommended to me to see the same convey'd as directed with all possible dispatch, the said packetts containing directions for the observation of the truce. I thereupon conceiving it for H.M. service proposed that a frigott or one of the sloops under his command should be forthwith ordered to proceed to Cartagena and Port Velo with the packetts for those Governors and such others as were proper to be forwarded by them; But to this letter the Admiral has not thought fit to return me any answer, and I am well inform'd that he had determined to send the *Jamaica* sloop with merchts. goods to both those ports before the receipt of my letter, and the said sloop is accordingly since sail'd without his having given me the least notice thereof, so that I have been obliged to send a gentleman in a sloop belonging to the Island with the said dispatches. I shall not trouble yr. Lop. with my reflections on these facts upon what reason they are founded being beyond my comprehension. By English vessels lately arived here from Curassow, I am inform'd that Monsr. Cassart had left that place after haveing oblidg'd the inhabitants to ransom the towne for 115,000 pieces of eight, haveing made but a very indifferent defence. The Duke D'Albequerque Vice-roy of

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Mexico is arriv'd at the Havana in his way to Spain, and the Marquis de Cassatores is arriv'd Governor of the Havana, and not the Marquis de Suere as I was inform'd before. There lay at that port a fleet richly laden bound home. *Signed*, A. Hamilton.  $5\frac{1}{2}$  pp. [C.O. 137, 51. No. 70.]

March 31.  
Jamaica.

**308.** *Same* to the Council of Trade and Plantations. *Repeats preceding and adds after* "comprehension." —, nor shall I enlarge on instances of an inferiour nature, as of the hardships and discouragements put upon all traders in general and masters of ships and vessels coming in and going out by bringing them under his stern among The Keys, and detaining them upon tryfling and frivolous pretences, threatening to weep some and carry home others, and since I began to write this, the master of a French sloop from Nantz bound to the Havana, who had before shew'd me the Queen's pass, as also the French King's, and had desired the liberty of the port to wood and water; now makes his complaint to me that the Admiral has brought him to an anchor under his stern, put men on board and there detains him for what reason or upon what accot. he knows not. I shall only add that since his arrivall here the disposition of the ships both as to convoys, cruisers and guarding the coast has been industriously kept a secret from me, and now I writt this on the common report of the squadron's sailing in few days, not being acquainted therewith otherwise then by the abstract of his letter above incerted. The Island is at present very healthy and the weather seasonable, so that there is a promising prospect that the next will be a good crop of sugars. *Signed*, A. Hamilton. *Endorsed*, Recd. 25th May, Read 17th July, 1713.  $6\frac{3}{4}$  pp. [C.O. 137, 10. No. 15; and 138, 14. pp. 1-5.]

March 31.  
Whitehall.

**309.** Council of Trade and Plantations to the Lord High Treasurer. *Reply to Feb. 13th, q.v.* The new fort begun at Barbadoes during Sir B. Granville's government is not yet finish'd, which as Col. Lilley, the Engineer, informs us, wou'd be a great security to that Island were it perfected. It has already cost the Island about 9,000*l.* in mony and in negroes labour, and he believ'd that about 11,000*l.* more including negroes labour wou'd compleat the same; but neither he nor the agent of the Island cou'd give us any assurance that the Assembly wou'd raise any more mony for that work. We are also inform'd that the Assembly of Jamaica allows but 1,250*l.* a year (their money) for the support of the whole charge of the fortifications, and the persons with whom we have discours'd here believe, they will scarce be induc'd to raise mony for the support of the Engineer and Storekeeper there. As to New York, we are inform'd that there is a new fort to be built in the Indian country to secure them against the incursions of the French Indians, the doing whereof will require some time. And as the Engineer at New York, is also Engineer at New England, we propose that the recalling of him be deferr'd till the said fort is finish'd, or till Col. Nicholson shall have been upon the place and examin'd into the state of that matter, and



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made his report to your Lordship thereupon. We have no objection to the Board of Ordnance's proposal in relation to the garrison at Annapolis. [*C.O.* 29, 13. *pp.* 2-5.]

April 1.  
Whitehall.

**310.** Council of Trade and Plantations to the Earl of Dartmouth. *Enclose following to be laid before H.M.*

310. i. Heads of Enquiry and Instructions relating to the trade and fishery of Newfoundland for Francis Nicholson Commander-in-Chief of H.M. forces there. (a) *34 queries of the same tenor as those given annually to Commodores of the Convoys.* (b) The Commodores have reported that the following irregularities continue, (1) The inhabitants have not a due regard to the regulations of the fishery, it being found that to the northward of St. John's as far as Carbonier, and to the southward, as far as Ferryland, the trees are rinded, and the woods destroyed, as much as before the Act to encourage the Trade to Newfoundland. (ii) The Admirals of the harbours and masters of ships do not exactly observe the rules presented by the said Act. (iii) Vessels from New England supply the people with provisions, and the New England traders seldom depart the country, till the men of war are first sail'd, and then carry with them numbers of handicraft men and fishermen, whom they entice thither in expectation of great wages. (iv) Masters of ships are very negligent, in bringing their men home, whereby they save the charges of their passages, and those men so left, are entic'd and carry'd to New England. (v) European commodities have been carry'd directly from France, Spain and Portugal to Newfoundland in British ships, contrary to law, and sold or truck'd with the traders from New England for tobacco, sugar, and other of the enumerated commodities, and carry'd to foreign parts, so that at the latter end of the year, the masters have been wholly taken up in the management of that illegal trade. You are therefore upon your arrival in those ports, to take care, as far as in you lies, that the most effectual methods be taken for remedying the said irregularities and mischiefs, as likewise that those others formerly complained of, be not again practis'd; and of your proceedings in pursuance of all these our Instructions, you are to give an account to our Commissioners of Trade *etc.* (c) A scheme of the fishery (number of ships, *etc.*). [*C.O.* 195, 5. *pp.* 292-308].

April 1.  
Whitehall.

**311.** Council of Trade and Plantations to the Earl of Dartmouth. *Enclose following to be laid before H.M. Annexed,*

311. i. Instructions for Francis Nicholson, Governor of Nova Scotia. The same as those usually given to Governors, with an additional clause, vizt:—Whereas we have thought fit to give directions to our Lt. Governor of

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Virginia, and to the Lords Proprietors of Carolina, for settling the boundarys between the said Provinces : and whereas directions were formerly sent to the respective Governors for settling the boundarys between Maryland and Pennsylvania, you are therefore upon your arrival in the said Provinces to inquire into this matter, and to inform our Commissioners for Trade and Plantations, what obstructions the same has met with, and ye reasons thereof, with your opinion thereupon. [*C.O.* 218, 1. *pp.* 40-79.]

April 1.  
Whitehall.

**312.** Council of Trade and Plantations to the Earl of Dartmouth. Enclose Governor Nicholson's Instructions (*v.* Feb. 25) for H.M. signature. *Annexed*,

312. i. Instructions to Governor Nicholson relating to arrears of prizes and arrears of the rights and perquisites of Admiralty. (Feb. 5, March 21.) [*C.O.* 324, 10. *pp.* 23-34.]

April 1.  
Whitehall.

**313.** *Same to same.* Since our Representations to H.M. of Feb. 16, 17<sup>10</sup><sub>11</sub>, and Nov. 13th, 1711 and 23 April last, concerning the difficulties Col. Hunter H.M. Governor of New York had met with from the Assembly of that Province, in relation to the procuring the settlement of a Revenue for the support of the Governmt. there, we have received frequent complaints from him and the Council upon the same subject. Whereupon we take leave to acquaint your Lordship, that the Assembly still persist in their resolution of not permitting the Council to make any amendments to a mony bill, pretending they (the Assembly) have an inherent right to dispose of the mony of the Freemen of that Province, and that such their right does not proceed from any commission, letters patents, or other grant from H.M., but from the free choice and election of the people ; notwithstanding they had been acquainted they could not be elected nor sit as an Assembly but by virtue of a clause in H.M. Commission to the Governor, so that several mony bills which had been amended by the Council in some essential parts were lost ; and that Government is at present without any Revenue for the support thereof. Col. Hunter being empower'd by H.M. Commission with the advice and consent of the Council to erect and constitute such Courts of Judicature, as should be thought fit and necessary ; on the repeated petitions from several parts of that Province, did by advice of the Council, establish a Court of Equity ; upon which the Assembly upon the 24th Nov., 1711, resolved " that the erecting a Court of Equity, without consent in General Assembly, is contrary to law, without precedent, and of dangerous consequence to the liberty and property of the subjects." By H.M. Additional Instruction to Col. Hunter, of Dec. 30, 1709, he was required to reconsider an ordinance, passed at New York in 1693, for settling of fees, and with the advice and assistance of the Council, to prepare such another table of fees (if need were) as would make a reasonable provision for the

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officers, and be most agreeable to the circumstances of the Province ; which having been prepared accordingly, the Assembly did on the forementioned Nov. 27th, resolve " that the establishing fees without consent of the General Assembly is contrary to law." These are some instances of their undutifulness to H.M., and of their attempting to abridge her Royal Prerogative there. Upon all which Col. Hunter observes in one of his last letters, that if ye remedy for these evils be long delay'd, it may cost more than the Province is worth. To which we take leave to add, that this proceeding of the Assembly of New York will be of very ill example to H.M. other Governments in America, who have most of them already shewn too much inclination to assume pretended rights tending to an independency on the Crown of Great Britain : and therefore to remedy the inconvenience at New York, and to prevent the mischief that is to be feared there, and to deter the other Plantations from attempting the like ; we humbly offer that H.M. pleasure be signify'd upon the draught of a Bill to be pass'd here, for settling a Revenue at New York, which we prepared by her Majesty's directions and laid before H.M. March 15, 17<sup>10</sup><sub>1</sub>, (copy enclosed), for unless this be done, we do not see any probability that the Assembly of New York will settle any Revenue, for the support of H.M. Governor or Governmt. there. [C.O. 5, 1123. pp. 88-91.]

April 11. **314.** A slip of memoranda. [C.O. 28, 43. No. 84.]

April 15. **315.** Order of Queen in Council. Approving of Representation of 27 Aug. 1712, and dismissing Messrs. Pinhorn, Cox, Sonmans and Hall, and appointing John Anderson, John Hamilton, John Redding, Elisha Parker, and Tho. Byerly to the Council of New Jersey. *Signed*, Ja. Vernon. *Endorsed*, Reed. Read June 24, 1715. 1<sup>1</sup>/<sub>4</sub> pp. [C.O. 5, 970. No. 165 ; and 5, 995. pp. 302-304.]

April 15. **316.** Order of Queen in Council. The Lords Proprietors of Carolina having appointed Robert Johnson Governor of Carolina and desiring H.M. approbation according to the Act, the Council of Trade and Plantations are to report their opinion with all convenient speed. *Signed*, Christo. Musgrave. *Endorsed*, Reed. 30th April, Read 7th May, 1713. 1 p. [C.O. 5, 1264. No. 133.]

April 15. **317.** Order of Queen in Council. Copy of preceding. [C.O. St. James's. 5, 1292. p. 378.]

April 16. **318.** The Earl of Dartmouth to Governor Lowther. Recommends the case of Mrs. Susannah Thomas, " a young lady who by reason of the distance of the place where her estate lay, has suffered great wrong, and by the death of her nearest relations, been left destitute of all manner of support," etc. *Signed*, Dartmouth. [C.O. 324, 32. p. 213.]



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April 16.  
Maryland.

**319.** President and Council of Maryland to the Council of Trade and Plantations. Wee humbly presume to address you and implore your Lordships' consideration of the distressed circumstances of this poor Province, to which it is reduced by the extream low price of Oronoko tobacco : in the cultivation whereof the generality of the inhabitants and their servants are chiefly employed ; so that most of us labour under great difficultys and had not many people applyed themselves to spinning the little wooll their small flocks of sheep afford, and likewise some small quantitys of flax, they wou'd have suffer'd very much for want of necessary cloathing, which too many, not so carefull, and industrious have wofully experienced ; nor have wee any reason to expect when these our unhappy circumstances will be anywise better'd (considering the great debts the inhabitants are engaged in, not only one to the other, but also to the merchts. in Great Brittain for necessary supplys) unless some expedient cann be found to lessen the heavy charges on tobacco, which render its produce so very small that the generality of planters are extreamly discouraged, and many of them have applyed themselves to makeing grain, finding their yearly crops of tobacco will not support them, much less enable them to discharge the engagements they lye under ; wherefore wee cannot but think it our dutys, to represent the true state of the province in this its present exigency, and humbly to request your Lordships to propose some expedient for our releif, *etc.* *Signed*, Edwd. Lloyd, Wm. Holland, Will. Coursey, Tho. Ennalls, Sam. Young, Tho. Greenfields, Cha. Greenberry, Jno. Hall, Th. Addison, Phile. Lloyd, Rd. Tilghman, Jno. Dorsey. *Endorsed*, Recd. Read July 13, 1713. 2 pp. [*C.O.* 5, 717. *No.* 53 ; and 5, 727. pp. 334, 335.]

[April 16.]

**320.** Stephen Duport to the Council of Trade and Plantations. The Council and Assembly of St. Kitts pray your Lordships to recommend to H.M. that when the French part of that Island is to be disposed of, the poorest inhabitants may have some small parcels of lands given them gratis, and others more able to purchase may at least meet with a kind preferance before any strangers who have not had any share in their great fatigue, hazard, real losses and unspeakable troubles in the warrs. the consequences of which are still severely felt by most of them either in thier persons or estates or both. *Signed*, Ste. Duport. *Endorsed*, Recd. 16th, Read 21st April, 1713. 1 p. [*C.O.* 152, 9. *No.* 159 ; and 153, 12. pp. 73, 74.]

April 16.  
Whitehal.

**321.** Council of Trade and Plantations to the Earl of Dartmouth. *Enclose* congratulatory Address on the Peace from the Council and Assembly of Jamaica. *Autograph signatures.* 1 p. [*C.O.* 137, 46. *No.* 5 ; and 138, 13. p. 422.]

April 20.  
St. James's.

**322.** H.M. Commission to Lt. Governor Moody to be Lt. Col. of Foot. *Countersigned*, Bolingbroke. *Endorsed*, Recd. 15th June, 1713. *Copy.* 1 p. [*C.O.* 194, 5. *No.* 25.]

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April 23.  
Whitehall.

**323.** Council of Trade and Plantations to the President and Council of Maryland. Enclose new seal and warrant for using it, with orders to break and send home the old one. [*C.O.* 5, 727. p. 319.]

April 23.  
Whitehall.

**324.** Council of Trade and Plantations to Governor Hunter. *Acknowledge* letters of Jan. 1st, March 1st, June 23rd, July 11th, Oct. 31st, Nov. 1st and Dec. 16th. We transmitted to ye Lords Commissioners of the Admiralty, the proposals you sent us, relating to the building a gally and furnishing H.M. with Naval Stores. As to what you write concerning the payment of your bills for the subsistance of the Palatines; we can assure you, that we have from time to time represented that matter to my Lord High Treasurer, as you have seen by our several representations. The Acts of New Jersey, the one for raising mony, and the other for the currency of bills of credit, are now under our consideration; we shall lay the same before H.M. for her pleasure therein. In answer to that part of your letter relating to the Act for issuing mony out of the Treasurer's hands, for the support of the Government etc., we must refer you to what we have already writ to you upon that subject. We shall expect the account you promise us, of the number of inhabitants, and desire that you will distinguish the men, women and children. You say that there has never been any Register kept as to births and burials, and that there is not a possibility of doing it until the counties are subdivided into parishes, great numbers remaining unchristned, for want of ministers, upon which we should be glad you would let us know, what provision can be made at New York for the support and maintenance of such ministers there. We have laid before H.M. the accounts of arms, ammunition, etc., and what you write touching the wants of the Province; as also the accounts of the conspiracy of the slaves to destroy the inhabitants, and as you desire, have humbly proposed to H.M., the reprieving those mentioned in your letter, and so soon as we shall have received H.M. pleasure on these matters, we shall transmit the same to you. You shall likewise have the necessary information, as soon as we know the event of what we have done upon your complaints, in relation to the behaviour of the Assembly of New York; that whole affair has been laid before H.M., with the draught of a bill we humbly offered might be proposed in the Parliament of Great Britain, for raising a Revenue at New York, to support that Government, and we are not without hopes that the same may pass into a law here. We are not a little surprized at the votes of the Assembly, upon your erecting a Court of Equity at New York, it having been done, by virtue of the power vested in you by H.M.; and at the desire of the inhabitants; these votes as well as those they made in relation to the ordinance for settling of fees, are so undutiful to H.M., and so highly derogating from her Royal Prerogative, that we have laid the same before H.M., and doubt not by the next conveyance, to be able to acquaint you, with the resolutions that shall be taken thereupon. We hope now, you will be made easy, in relation to the Councillors

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of New Jersey, for we laid that matter very fully before H.M., with our opinion that William Pinhorn, Danl. Cox, Peter Sonmans, and Wm. Hall should be removed from the Council, and John Anderson, Wm. Morris, John Hamilton, and John Reading admitted in their places; and that Elisha Parker and Tho. Byerly be added to fill up two vacancies. Which H.M. has been pleased to approve, so that there remains nothing to be done, but that some person here, take out H.M. orders in this matter. If you had an Agent here, we could send to him to do it, but as you have none, we do not know how long the orders may lye before they are dispatched to you; this shows you the necessity of having an Agent for each of your Governments, and we desire therefore that you use your utmost endeavour to get such a one established. We have this day, received your letters of March 14th relating to New York and New Jersey, the last whereof relating chiefly to the Counsellors, needs no other answer than what we have writ above, except that when the Council is changed, you may then by their advice establish a Court of Chancery there. As to the pardon of the persons that had been condemn'd, H.M. has approv'd thereof, and Mr. Orby will take care of conveying it to you. If any such petitioner's representation as you mention, should be laid before us, you may be assured that we shall do you justice, and that you will not be condemned unheard. We have not received the address from the Assembly to H.M. which you mention in your letter of Dec. 16th, and the votes of the Assembly referr'd to in your letter of March 14th, is imperfect, wanting at least two pages. As to the quit-rents, we shall consider thereof, and by the next opportunity give you an answer thereunto. [*C.O.* 5, 1123. *pp.* 103-109; and 5, 1335. *No.* 181.]

April 23.  
Whitehall.

**325.** Council of Trade and Plantations to Lt. Governor Spotswood. *Acknowledge* letters of Sept. 5th, Nov. 17, 1711, Feb. 8, May 8 and 15th, July 26 and Oct. 15 last. We take notice of what you write in relation to the Virginia Indian traders and to the settling the boundaries between Virginia and Carolina, and have accordingly laid (*enclosed*) representation of that matter before H.M. And H.M. having been pleased to approve our said representation, you may expect to receive orders from the Earl of Dartmouth thereupon. *Enclose order of Council.* You are very much in the right not to give way to anything contrary to H.M. Instructions, particularly in that clause which relates to the patenting of lands. We have considered that Instruction and do not see any cause for making any alteration therein. What you have done towards bringing the Indians to send their children to be educated at the Colledge is very commendable, and we hope that if due care be taken of them it may tend to the future advantage of Virginia. We have sent to the Lords Proprietors of Carolina what you write, *etc.* (May 8 and July 26th); and they have given to Col. Nicholson, who is now going over to America, commission to settle that Province upon a better foot than it has hitherto been. However your care and



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dilligence in endeavouring to assist the Province of Carolina against the said Indians is very commendable. We observe what you write in relation to the drawing of the quit-rents from Virginia ; but as that matter is intirely under the direction of the Lord High Treasurer, you ought to have made your application to his Lordp. thereupon. If the Assembly should continue to offer any bills that may lay a burthen upon the shipping or commodities of this Kingdom, you will do well (as you have hitherto done) to discountenance such bills, and if they shou'd be brought to you for your assent to reject the same. As to the claims rejected by ye Assembly for fitting out of a spy-boat, mounting of great guns, etc., we think they were very much in the wrong ; and therefore you shou'd represent to them the reasonableness of their discharging such debts as are contracted solely for their service and security. We cannot well judge of what you write in relation to the altering the value of foreign gold coins, unless we saw ye draught of what the Assembly propose. However in general, we think you may govern yourself in that matter, by allowing foreign gold to pass in proportion to the weight and fineness of guineas here. As to what you write in relation to your being reimbursed for the pork you provided for the Canada Expedition, we have been informed that 800*l.* has already been paid in part, and that the rest is in a way of payment. Col. Nicholson will give you a further account thereof. If upon your perusal of the Lord Baltermore's and the Lord Colepeper's grants, you find that the Queen has a right to the lands in the Fork of Potomack, you ought to insist upon it. We must commend your care in preventing the abuses you mention in the obtaining of rights for taking up lands, and we agree with you that it is very unreasonable that the persons who take up and cultivate Proprietors' lands in Virginia should have the same privilege as those who cultivate the lands held of the Crown. The account you give us of the qualifications of persons to elect Assembly men in Virginia may prove of ill consequence if not timely prevented, and therefore we desire you would take the advice of the Council, and then propose to the Assembly the passing a bill for the qualification of electors and of persons to be elected ; and you may intimate to them that in case they refuse to pass such a bill as may be reasonable in this behalf, care will be taken here to set that matter upon a right foot. We have represented to H.M. what you have writ in relation to your want of arms, and also in relation to mines in Virginia, and as soon as H.M. pleasure shall be signify'd to us thereupon, we will not fail of giving you notice thereof. *Enclose new seal and H.M. warrant, etc.* You are to cause the old seal to be broke in Council, and transmitted to us, as there expressed. [*C.O.* 5, 1363. *pp.* 482-486.]

April 25.  
Jamaica.

**326.** Governor Lord A. Hamilton to the Council of Trade and Plantations. Pursuant to the directions of a letter from the Commissrs. of H.M. Customs of Nov. 13th, I order'd the Naval Officer and Collrs. here to lay such bonds as were remaining in

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their hands and are not discharged according to law before the Attorney Genll., whom I likewise ordered to put the same in suite before March 28th last, which has been done accordingly. This, my Lords, has allarm'd the whole body of the merchts. here, and has occasion'd a representation from them to me in Council (*enclosed*), and upon the strictest examination and inquiry not finding anything contrary to the allegations contain'd in the said representation or any reasonable ground to suspect the want of return of certificatts to have been occasion'd by a clandestine or prohibited trade, but that the same was occasion'd by the particulars innumarated in the representation, and there being time sufficient between this and March 28th, 1715, for obtaining judgement upon the said bonds, in case H.M. shall not think fit to order a stop of those prosecutions, I have upon these motives by and with the unanimous advice of the Council given the Attorney Genll. orders to move that those actions may be continued and that no further proceedings be had thereon till H.M. pleasure be known. *Signed*, A. Hamilton. *Endorsed*, Recd. 29th June, Read 17th July, 1713. 2 pp. *Enclosed*,

326. i. H.M. Commissioners of Customs to Governor Lord A. Hamilton, Custom Ho. London, Nov. 13, 1712. By the Act for continuing duties on imports, plantation bonds are to be void in case there be no prosecution for breach thereof before March 28, 1713 or judgment obtained before March 28, 1715. We have directed Naval Officers and Collectors to put all such bonds in suit as are remaining in their hands which are not discharg'd according to law, and desire you will be assisting with your authority therein. *Signed*, J. Bridges, J. Stanley, F. Gibbon, Jo. Werden. *Same endorsement*. Copy. 1 p.

326. ii. Merchants of Jamaica to Governor Lord A. Hamilton. Protest against the prosecution of plantation bonds referred to in preceding. The want of due returns of the certificates upon such bonds has in many cases been due to vessels being captured during the war, etc. *Signed*, John Eastwicke and 62 others. *Same endorsement*. 1 p. [C.O. 137, 10. Nos. 16, 16 i., ii.; and (without enclosures), 138, 14. pp. 5-7.]

April 25.  
Jamaica.

327. Governor Lord A. Hamilton to Mr. Popple. Refers to preceding, etc. Continues: What we have now most to apprehend is the interruption the trade in these parts may meet with by pyratts, being informed there are already some hundreds of them gott together in the Gulf of Darian, and there is at present here only one fifth rate frigot and that very improper for such a service having been much disabled and shattered by a long voyage and ingagement on the coast of Guinea, etc. *Signed*, A. Hamilton. *Endorsed*, Recd. 29th June, Read 17th July, 1713. 2½ pp. [C.O. 137, 10. No. 17; and 138, 14. pp. 8, 9.]

April 28.  
Whitehall.

328. Mr. Popple to Mr. Attorney General. Encloses Governor Hunter's queries relating to quit-rents (March 14)

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with copy of clause in his Instructions, for his opinion thereon. [C.O. 5, 1050. Nos. 66, 66 i.; and (without enclosure) 5, 1123. pp. 110-112.]

April 29. **329.** Abstract of the case of escheats in Jamaica. 1 p. [C.O. 137, 51. No. 65.]

May 4.  
St. James's.

**330.** Order of Queen in Council. Approving representation of April 1st. The Lords Commrs. for Trade and Plantations are to lay the draft of the Act for granting a Revenue to H.M. in New York before the House of Commons as soon as conveniently may be. *Signed*, Edward Southwell. *Endorsed*, Reed. 8th, Read 15th May, 1713.  $\frac{3}{4}$  p. *Enclosed*,

330. i. Duplicate of Representation No. 313.

330. ii. Heads of the proposed Act of Revenue for New York.  $\frac{1}{4}$  pp.

330. iii. Draught of (above) proposed Act, laid before H.M. March 15, 1710/11. *Subscribed*, We approve of this Act, Edwd. Northey, Robt. Raymond, March 13, 1710.  $7\frac{3}{4}$  pp. [C.O. 5, 1050. Nos. 64, 64 i.-iii.; and (without enclosures) 5, 1123. pp. 113, 114; and (No. ii. only) 5, 1085. No. 12.]

May 4.  
St. James's.

**331.** Order of Queen in Council. *Referring following to the* Council of Trade and Plantations, for their opinion with all convenient speed. *Signed*, Edward Southwell. *Endorsed*, Reed. 7th, Read 18th May, 1713. 1 p. *Enclosed*,

331. i. Lords Proprietors of Carolina to the Queen. St. James's Square. April 25, 1713. Desire H.M. approbation of Charles Eden to succeed Edward Hyde, decd., as Governor of North Carolina. *Signed*, Beaufort, Carteret, M. Ashley, J. Colleton, J. Danson. *Copy*.  $\frac{3}{4}$  p. [C.O. 5, 1264. Nos. 134, 134 i.; and (without enclosure) 5, 1292. p. 381.]

May 4.  
St. James's.

**332.** Order of Queen in Council. Ordered that the Lords Commrs. for Trade and Plantations do forthwith cause the proclamation for publishing the Treatys of peace and commerce lately concluded between H.M. and his Most Christian Majesty the French King to be sent to the respective Govrs. of H.M. plantations in America, with directions to them to cause the same to be solemnly published in the usual places within their Governmt.; and also to give notice to all privateers and comanders of ships to cause the said articles of peace and commerce to be observed inviolably according to the tenor of the said Proclamation. *Signed*, Edward Southwell. *Endorsed*, Reed. 7th, Read 8th May, 1713.  $\frac{3}{4}$  p. [C.O. 323, 7. No. 25; and 324, 10. p. 35.]

May 5.  
Barbado's  
Secretary's  
Office.

**333.** A. Skene to Mr. Popple. The inclosed papers will informe you of the barbarous treatment I have met with since my arrival, wch. I beleive is not to be paralleled, and such as I



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hope their Lordships will highly resent, especially the freedom Mr. Lowther has taken with them in his summons, you are sensible how openly I acted all that affair, and how much not only Mr. Lowther, but Mr. Crowe was indulged, which occasion'd me great delay, notwithstanding whereof Mr. Lowther declares publickly that all my success is by practiceing on the Lords of Trade, *etc.* *Signed*, A. Skene. *Endorsed*, Recd. 10th. Read 16th July, 1713. *Addressed*. *Postmark*. 1 p. *Enclosed*.

333. i. Copy of summons by Governor Lowther, requiring Alexander Skene to attend him in Council to answer reflections cast upon the Governor by his petition to the Queen and misrepresentation of him to the Council of Trade, *etc.*, whereby he prevented the Lords of Trade from giving any judgment upon the several extortions, crimes and misdemeanours for wch. he was suspended, *etc.* Pilgrim, April 27, 1713. *Signed*, Robt. Lowther.  $\frac{1}{2}$  p.

333. ii. The case of Alexander Skene. Mr. Skene arrived in Barbados March 25 with H.M. order for restoring him to his office. Mr. Barwick and Mr. Upton refused to refund him the profits of his office, the latter because he had paid the Governor 400*l.* quarterly. April 22. Skene petitioned the Governor for relief. H.E. merely replied that he must apply to the Queen. From Skene's arrival to that time, H.E. expressed the most violent resentment against him, threatening him, and not suffering him to come in his presence when he brought him any paper to signe, and yet refusing to sign any papers unless he brought them. On April 27 Skene preferred a second petition, praying for H.M. seal of this Island to two copies thereof to lay before H.M., but received no answer. The same day he was serv'd with a summons (*v.* No. i.). Skene attended with his answer in writing, but the Governor refused to have it read. Mr. Skene desired H.M. order to be read and entered, whereupon Mr. Lowther flew into a violent passion and reviled him, and would not suffer H.M. order to be read, *etc.* He then called in all the persons whose depositions he had formerly made a handle to suspend Skene, desiring them to recognize their depositions, and telling Mr. Skene that he might cross-examine them, tho' most of them were not upon oath and did declare they would not swear again. On the day following Skene produced his patent and tender'd his deputy, but Mr. Lowther would not admit him. During the whole proceedings not one member of Council opened his mouth. H.E. order'd what he thought fit to be enter'd, and when one of the members of Council asked if he would take the opinion of the Board in yt. affair, he answered that he did not want their opinions, and adjourned the Council. Skene foreseeing that the Minutes as entered might carry some reflection upon

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him, for they were not the Council's but the Governor's, made his application to several of the members to attest a true account of those two daies proceedings, wch. five of them have accordingly done. It is the currt. report that as soon as the ships saile for Brittain, Skene will be suspended and prosecuted to the utter ruine of him and his family. *Endorsed as letter.* 3 $\frac{3}{4}$  pp. [C.O. 28, 13. Nos. 101, 101 i., ii.; and (without enclosures), 29, 13. pp. 19, 20.]

May 5.

**334.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to queries of April 28.* (i) Depends on the authority the succeeding Governors had for making such new grants or grants of confirmation, etc., and thereby reducing the old-quit rents, which is not stated, but I am of opinion if the succeeding Governors had a sufficient authority by their Commissions for making such reduction and such new grants by the Act passed at New York March 2, 1688<sup>s</sup>, were not resumed, the patentees are to pay no more than the reduced quit-rents. But if the succeeding Governors had not by their Commissions authority to make such reductions, which I am of opinion they had not, if the power granted to them was only for making grants of lands not in grant, or that should after escheat to the Crown, especially if upon the making the new grant or grants of confirmation, the former grants were not surrendered, their old quit-rents are and ought to be paid, and the grants of reduction will be void. (ii) I am of opinion, if from the time of the reservation of quit-rents, such as should after be established by the laws of New York, no Act of Assembly hath been passed for establishing what such quit-rents should be, nor any declaration of the Government for ascertaining the same, and in ye other case where the rents are reserved to be such as should be established by the Duke of York, his heirs or successors, no such establishment hath been made by him, his heirs, or successors, the rents of 2s. 6d. for every 100 acres established by her present Majesty's Instructions, are the rents that are to be paid upon those grants; and if the reservations in the Patent are to be paid annually from the dates of the grants, H.M. if she shall be so pleased, may insist upon the arrears of rent, from the times of such grants. But if the words of reservation are as loose as stated in the case, I am of opinion the quit-rents will be only to be paid, from the time they were established by such H.M. declarations, and I cannot think it would be amiss if an Act of Assembly were past for establishing this matter. *Signed, Edw. Northey.* [C.O. 5. 1123. pp. 119, 120.]

May 7.  
Whitehall.

**335.** Council of Trade and Plantations to the Queen. *Reply to April 15.* We have no objection to H.M. approval of Robt. Johnson as Governor of Carolina, provided he qualify himself as the Law requires, and give good security as usual in 2,000 sterl. for observance of the Acts of Trade and Navigation and H.M. Instructions touching the same. [C.O., 5, 1292. p. 379.]

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May 8.  
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**336.** Circular letter from the Council of Trade and Plantations to the Governors of Plantations, enclosing Proclamation for publishing the Peace, with directions as ordered May 4, *q.v.* [*C.O.* 29, 13. *pp.* 5, 6; and 38, 7. *p.* 179; and 5, 727. *p.* 319; and 5, 913. *p.* 382; and 5, 1123. *pp.* 112, 113; and 5, 1292. *p.* 380; and 5, 1363. *pp.* 486, 487; and 5, 1335. No. 182; and 138, 13. *p.* 423; and 153, 12. *p.* 75; and 218, 1. *p.* 80.]

May 8.  
Whitehall.

**337.** The Earl of Dartmouth to Governor Nicholson. I send you enclosed two original letters from his Most Christian Majesty, one directed to the Marquis de Vaudreuil Governor of New France, the other to Monsr. Phelypeaux Governor of the French American Islands. Upon sight of the former it is not doubted but the Isle of Newfoundland will be delivered to you, the other you will gett conveyed by the safest and most expeditious method you can to Mr. Dowglass, H.M. Governor of the Leeward Islands, who in that quality is Govr. of St. Christophers. I wish you a happy voyage. *Signed*, Dartmouth. *Enclosed*,

337. i. The Earl of Dartmouth to Governor Dowglass. You will find enclosed an original letter from his Most Christian Majesty to Monsr. de Phelipeaux acquainting him, that St. Christophers is yeilded to H.M. by the Peace of Utrecht, and requiring him to conform himself thereunto. There is no room to doubt but upon this order, you will be left in the quiet possession of all that Island for H.M. *Signed*, Dartmouth. [*C.O.* 324, 32. *pp.* 215, 216.]

May 11.  
N. York.

**338.** Governor Hunter to Mr. Popple. Tho' I have not had the honor of a letter from their Lorps. of a long time, I have heard from other hands with much pleasure that I am not out of their thoughts, and when more important affaires are dispatcht I can not doubt but that their just representations will have their due weight and effect. I acquainted their Lorps. lately by the *Hector* and *Shoreham* that I had dissolv'd the old and call'd a new Assembly, and gave my reasons for so doing with the little hopes I had from a new election. I am not dissappointed for all the avow'd opposers of H.M. interests are chosen again, and avowedly for that end. For men of the best sense and figure have been rejected for the bare supposition that they would be for supporting the Govt. This Assembly which is to meet on the 12th instant will be of a short duration in all probability for having nothing in expectation from them but affronts to authority and disrespect to H.M., I shall conclude it necessary to prevent the ill effects of their frenzy by a speedy dissolution. After that you must expect to hear of a general alteration in the commissions of peace and militia, that ill men may no longer use H.M. authority against her. I use all means imaginable to keep the Palatins together in hopes that they may be again[d] imploy'd in the maner H.M. has given in Instructions to me but many are gone of their own heads to settle at Scoharee and the frontieres. Some few clergymen in Pensilvania have thought fitt



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to disturb the peace of the Jerseys as much as in them lyes, but the clergy here are upon the point of meeting to do themselves and me justice. Herewith you'll receive two printed papers which will refresh your memory as to the true state of my struggle with the Assembly here. I wrote once for an augmentation of the forces here. I am bound by duty to acquaint their Lorps. that I humbly conceive that the Government here is too weake, however they may depend upon this, that I shall not part with any of H.M. rights and prerogatives (or depart from her interests) but with my life. I have receiv'd from one Thomas, mr. of a merchant ship, the carriages and stores that I wrote for ; but no letter or advice from the Ordnance here. *Signed, Ro. Hunter. Endorsed, Reed.* 1st, Read 15th July, 1713. 3 pp. *Enclosed,*

338. i. An address "to the inhabitants and freeholders of Westchester County." States the points at issue over the Revenue Bills and urges the election of supporters of H.M. Government. *No signature. Printed. 4 pp.*

338. ii. Address of the Grand Jury of New York to Governor Hunter. May 5, 1713. *Commend* his just administration and *condemn* the calumnies of evil-minded persons. *Express* thanks for H.M. defence of the Province, *etc.* *Printed. 1½ pp.*

338. iii. A pamphlet addressed "to all whom these presents may concern." *Recounts* the action of the Assembly as regards the Revenue, and *advises* the people of New York to settle a Revenue speedily, "or it will be settled to your hands." *Printed* by William Bradford, New York, 1713. 9 pp. [*C.O.* 5, 1050. Nos. 65, 65 i.-iii. : and (without enclosures) 5, 1123. pp. 115-117.]

May 15.  
Whitehal.

**339.** Council of Trade and Plantations to the Earl of Dartmouth. Enclose following :

339. i. H.M. additional Instruction for Lt. Governor Pulleine. Whereas several inconveniences have arisen to Our Government in the Plantations, by gifts, and presents made to Our Governors by the General Assemblies, We have thought fit hereby to signify our express will and pleasure ; that neither you Our Lt. Governor, nor any Lt. Governor, Commander in Chief, or President of Our Council of our Bermuda Islands, for the time being do give your, or their consent to the passing any law, or act for any gift or present to be made to you or them by the Assembly ; and that neither you nor they do receive any gift, or present from the Assembly, or others, on any account, or in any manner whatsoever, upon pain of Our highest displeasure, and of being recalled from that Our Government ; except only that in case there be no house, belonging to us fit to receive you, We are pleased to permit the General Assembly of Our said Islands, to assign, or provide such a house or rent for the same, out of the publick levies, and to allow you Our Lt. Governor, and the Lt. Governor for

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the time being to accept thereof, untill a house be built for that purpose provided that the assignment of a house, or rent for the same as aforesaid, be made at the first session of Assembly after such Lt. Govr's. arrival, or after your receipt of this signification of Our Royal pleasure in this behalf; and that the said house or rent for the same, be assign'd to you and our Lt. Governor for the time being, for the whole time of your, or his government. And whereas the salary of Our Lt. Governor of those Islands, amounting to 400*l.* sterl. per annum may not be sufficient for his support, We have been graciously pleased to give direction that 100*l.* sterl. per annum more be added out of Our Exchequer, to your present salary, and to the salary of the Lt. Governor of Our said Islands for the time being. And whereas by this encreas of salary out of Our Exchequer, ye Assembly will have an opportunity, and be in a condition of applying such sums as they gave in presents to the Lt. Governors towards such publick uses as may be most necessary for the defence and safety of the said Islands, We do not doubt but that in consideration of Our care in exempting Our good subjects from the giving of presents, the said Assembly may be the more easily induced to contribute in a more ample and effectual manner to their own safety and preservation. And We do further direct and require that this declaration of Our Royal Will and Pleasure be communicated to the Assembly at their first meeting after your receipt hereof, and enter'd in the Registers of Our Council, and Assembly, that all persons whom it may concern may govern themselves accordingly. [*C.O.* 38. 7. pp. 180-183.]

May 16.  
Treasury  
Chambers.

**340.** T. Harley to the Council of Trade and Plantations. H.M. Postmasters General having made a representation to my Lord Treasurer, concerning the loss which that branch of H.M. Revenue in North America is like to suffer, by the currency of paper bills throughout H.M. Dominions there, his Lordship desires you will consider it, as well with respect to H.M. Revenues in general, as to the mischeif which must attend the trade of her subjects in those parts, when it is carry'd on by a specie that has no fond to support the same, and to propose what you think fit for H.M. to do therein. *Signed*, T. Harley. *Endorsed*, Recd. 18th May, Read June 1st, 1713. 1 p. *Enclosed*,

340. i. Postmasters General to the Lord High Treasurer. General Post Office, May 9, 1713. Mr. Hamilton who has the management of the posts throughout H.M. Dominions on the Continent of North America represents a difficulty to have happened to our Deputies in New England, by reason of an Act of Assembly past there, which enjoins the currency of paper bills as specie throughout that province, whereby should the postage due for letters be insisted on to be paid in those bills, that branch of the

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Post Office would suffer considerably by the great discount on the said bills, and as the nominal value of the lowest species of such bills amounts to a crown, and the postage of a single letter amounts but to a very small part of that sum, there will be a necessity, if the postage of letters be not actually paid in money, for our deputies to keep accounts with the merchants or dealers there to whom letters are directed, till the postage shall amount to five shillings, or to exchange money for bills on the delivery of each letter, which would be attended with a great loss out of the produce of the letters of yt. Province, *etc.* We humbly propose that a letter may by H.M. commands be writ to the Governor and Council there recommending on this occasion to their particular care and encouragement the posts of that Province, and that as the Act of Parliament establishing ye rates of the postage of letters through all H.M. Dominions expresses the same to be paid in British mony, the postage of the letters of New England may be paid therein as formerly, and as now is practised throughout all H.M. other Dominions on ye said Continent. *Signed*, Tho. Frankland, J. Evelyn.  $2\frac{1}{2}$  pp. [C.O. 5, 865. Nos. 87, 87 i.; and 5, 913. pp. 383-385.]

May 18.  
Whitehall.

**341.** Council of Trade and Plantations to the Queen. *Reply to May 4.* We have no objection to H.M. approval of Charles Eden as Governor of North Carolina, provided he qualify himself as the law requires, and give good security for his observing the Acts of Trade and Navigation, and of H.M. Instructions touching the same. The security usually given by the Governors of the Proprieties is in a bond of 2,000*l.* sterl., but in regard the trade in that part is inconsiderable, we humbly offer that his security be in a bond of 1,000*l.* [C.O. 5, 1292. pp. 382, 383.]

May 18.  
St. James's.

**342.** Order of Queen in Council. Charles Eden is approved as Governor of North Carolina, upon giving a bond of 1,000*l.* in security as proposed, No. 341. *Signed*, Edward Southwell. *Endorsed*, Recd. 22nd May, Read 4th June. 1713.  $1\frac{3}{4}$  pp. [C.O. 5, 1264. No. 135; and 5, 1292. p. 384.]

May 20.  
Whitehall.

**343.** The Earl of Dartmouth to Governor Nicholson. The Queen having been pleased to declare that she would shew some marks of her favour to such of the subjects of France as had a property in any lands or houses lying in the Plantations that are yielded to her by the Treaty of Peace, in case his Most Xtian Majty. could be prevailed upon to release those who were in the gallies on account of religion and the Court of France having declared their acceptance of this proposal; you are to suffer the French to enjoy their estates in all parts of your Governmt. til H.M. pleasure be further known. [C.O. 324, 32. p. 218.]



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May 20.  
Barbados.

**344.** Governor Lowther to the Council of Trade and Plantations. I have received a copy of your Lordships report upon my proceeding against Mr. Skene : I shall not take upon me to expostulate anything with your Lordships concerning it, or touching the injury I conceive it hath done me ; being intirely satisfy'd that it did not arise from any prejudice or ill-will your Lordships have to me, but from the false account that was given you both of me and my proceedings, for I understand your Lordships have been informed, that I refused to let Mr. Skene have a copy of his charge, that the evidence against him was taken *ex parte*, that I suspended him because he would not pay me 400*l.* per annum out of the Secretaries office, with several other severe misrepresentations and false suggestions which I am persuaded your Lordships will be undeceiv'd of, after you have perused my answer to these aspersions : 'it is enter'd in the Council Books and will be sent you in a fortnight or three weeks at the furthest, in the meantime I must intreat your Lordships not to determine anything of me or my affairs till you have heard what I have to offer in my justification. I have (in obedience to the Queen's commandes) restored Mr. Skene to all his offices and places. After I had sworn him into the office of Secretary to the Council he desired that I would allow him to appoint a Deputy, but I could not agree to it, because he executes the office of clerk to the several Courts by a Deputy, and I am commanded by my 34th Instruction not to suffer any person to execute above one office or place by a Deputy, *etc.* Signed, Rob. Lowther. Endorsed, Recd. Read July 20, 1713. *Holograph.* 1½ pp. [C.O. 28, 14. No. 5 : and 29, 13. pp. 65-67.]

May 20.  
Fort  
Kykoverall,  
Rio  
Essequibe.

**345.** P. Vanderheyden Rézen to the Directors of the Dutch West India Company. Signed, P. Vanderheyden Rézen. Endorsed, Read Aug. 24 (N.S.) 1713. 9 closely written pp. Dutch. Enclosed,

345. i.-vi. Accounts, inventories, bills of lading, *etc.* Dutch. [C.O. 116, 21. Nos. 9, 9 i.-vi.]

May 21.  
Admiralty  
Office.

**346.** Mr. Burchett to Mr. Popple. A convoy of three men of warr will be sent to Newfoundland to protect the trade and convoy them home, by the beginning or middle of next month, *etc.* Signed, J. Burchett. Endorsed, Recd. 21st May, Read 10th June, 1713. Addressed. ¾ p. [C.O. 194, 5. No. 22 ; and 195, 5. p. 310.]

May 22.  
Annapolis  
Royall.

**347.** Governor Vetch to the Earl of Dartmouth. I have troubled your Lordship so often with the state of this garrison without any return that I am ashamed to trouble your Lordship any more, but shall waite Brigadier Nicholson's arrivall whom wee have so much longed for, *etc.* I judged it my duty to acquaint your Lordship of my having dismissed the Indian Company from H.M. service, *etc.* Refers to enclosure. Signed, Sam. Vetch. ¾ p. Enclosed,

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347. i. Governor Vetch's Order to Peter Mason, first lieutenant of the Indian Company. Annapolis Royall, May 22, 1713. Whereas I have been informed by you of the desertion of above one half of Col. Livingston's Indian Company now under your command some days ago, and that you are assured the remainder will very soon follow them, I have judged it for the good of H.M. service both upon the repeated complaints of the inhabitants (whose hoggs and sheep they frequently kill in the woods) and the prospect of warrs being now att ane end, to dismiss the said company intirely from H.M. service ; and that they may neither suffer by so long a journey as they must take by land nor destroy the people's catle as the others have done that deserted : have ordred a sloop with provisions to transeport them to Boston, *etc.*, where you are to apply yourself to Mr. John Borland for 20s. per man to bear their expenses to New London or Hartford, *etc.* *Signed*, Sam. Vetch. *Copy.*  $\frac{1}{2}$  p. [C.O. 217, 31. Nos. 10, 10 i.]

May 22.  
Whitehall.

348. Order of Committee of Privy Council for hearing Appeals from the Plantations. Referring enclosed petition to the Council of Trade and Plantations to report whether priviledge has at any time been claimed by the members of the Assembly of Jamaica and whether the same have been allowed *etc.* *Signed*, Edward Southwell. *Endorsed*, Recd. 26th, Read 27th May, 1713.  $\frac{1}{2}$  p. *Enclosed*,

348. i. Petition of Robert Saunders to the Queen. Prays liberty to proceed against Gersham Elye, who took possession of a plantation belonging to petitioner's wife, and insisted on his privilege as a member of the Assembly of Jamaica to protect him from a trial. Petitioner's wife and child have died for want meantime.  $1\frac{1}{4}$  pp. [C.O. 137, 9. Nos. 81, 81 i. ; and 138, 13. pp. 424-427.]

May 23.  
Treasury  
Chambers.

349. T. Harley to the Council of Trade and Plantations. My Lord Treasurer foreseeing that great expences will arise to this Kingdome by the large supplys of Ordnance and other stores demanded for the service of H.M. Islands and Plantacons abroad unless it be considered how to put the affaires of those Islands and Plantations into such a method as that they may be enabled by waies and meanes among themselves to support the whole charge of their Governments, His Lordp. desires you will please to turn this affair in your thoughts, and let his Lordp. have your opinion thereupon as soon as conveniently you can. *Signed*, T. Harley. *Endorsed*, Recd. May 25th, Read June 1st, 1713. *Addressed.*  $\frac{3}{4}$  p. [C.O. 323, 7. No. 27 ; and 324, 10. p. 37.]

May 27.  
Whitehall.

350. Earl of Dartmouth to the Council of Trade and Plantations. *Refers following for their report. Continues* :—In the mean time, I am to acquaint you, that the places and countrys

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therein named belonging, of right, to British subjects, H.M. did not think fit to receive any Act of Cession from the French King, and has therefore insisted only upon an Order from that Court for delivering possession to such persons as should be authorised by H.M. to take it. By this means the title of the Company is acknowledged, and they will come into the immediate enjoyment of their property without further trouble. *Signed*, Dartmouth. *Endorsed*, Recd. 28th May, Read 1st June, 1713. 1 p. *Enclosed*,

350. i. Petition of Hudson's Bay Company to the Queen. Petitioners being inform'd that the Act of Cession is come over, whereby the French King obliges himself to restore to your Majesty, ye Bay and Straits of Hudson, together with all ye lands, seas, sea-coasts, rivers, and places situate in ye sd. Bay and Straits; as also all forts and edifices whatsoever, entire, and not demolish'd; together with guns, shott, powder, and other war-like provision (as mention'd in ye 10th Article of ye present Treaty of Peace) within six months after ye ratification thereof or sooner if possible it may be done, pray H.M. to direct the said Act of Cession may be transmitted to them, as also yr. Majesty's Commission to Capt. James Knight, and Mr. Henry Kelsey gent. to authorize them, or either of them to take possession of the premises above mentioned, and to constitute Capt. James Knight to be Govr. of the fortress call'd Port Nelson, and all other forts and edifices, lands, seas, rivers and places afforesaid; and the better to enable petitioners to recover the same, they humbly pray they may have a small man of war, to depart with their ship by ye 12th day of June, *etc.* 1 p. [*C.O.* 134, 2. Nos. 35, 35 i.; and 135, 3. pp. 121-123.]

May 27. **351.** Order of a Committee of the House of Commons. That the Secretary to the Lords Commissioners of Trade do lay before the Committee an extract of the [*? Minutes of the*] Assembly of Jamaica March 27, 1710 (*relating to the high duties on prize goods there*). *Endorsed*, Recd. 27th, Read 28th May, 1713. 1 p. [*C.O.* 137, 10. No. 1; and 138, 13. pp. 427, 428.]

May 28. **352.** Council of Trade and Plantations to the Lords of the Whitehal. Committee for hearing Appeals from the Plantations. *Reply to May 22nd*. The members of the Assembly not only of Jamaica, but of the other plantations also, do assume pretended rights and privileges (for which we cannot find the least grounds) tending to an independency on the Crown of Great Britain. Some of them, particularly those of New York, pretend they have an inherent right to dispose of the mony of the Freemen of that province, and that such their right does not proceed from any commission, letters patents, or other grant from H.M., but from the free choice and election of the people, notwithstanding they had been acquainted they cou'd not be elected nor sit as an



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Assembly, but by virtue of a clause in H.M. Commission to the Governor, empowering him to issue writs for their election. Most of the Assemblies in the plantations claim all the privileges the House of Commons here does, and some of them, others, that the House of Commons never pretended to. Upon examination of some gentlemen of Jama., we find that Gersham Elye, (v. May 22) insists on his privilege as an Assemblyman, to avoid coming to a tryal with the petitioner; but we do not see any reason for it; nor do we find by our books, that the Governors have any authority by their Commissions or Instructions to allow any such privilege. [C.O. 138, 13. pp. 428-430.]

[May 28.] **353.** John Thurston to the Council of Trade and Plantations. As agent for Governor Lord A. Hamilton, *prays* dispatch of Jamaica business, laid before them by the Governor. *Endorsed*, Recd. 28th May, Read 30th June, 1713. 1 p. [C.O. 137, 10. No. 4; and 138, 13. pp. 432, 433.]

May 30. **354.** Governor Nicholson to the Earl of Dartmouth. Corko. *Acknowledges* letter of May 20, and sends receipts. *Signed*, Fr. Nicholson. 1 p. [C.O. 5, 9. No. 116.]

June 2. **355.** Lt. Governor Spotswood to the Council of Trade and Virginia. Plantations. Since my last dispatch, Feb. 11th, I have had little to add to the trouble that gave you relateing to the affairs of this Colony, and I doubt not your Lordps. will recieve with as much satisfaction as it is to me to write the happier prospect of affairs in the neighbouring Province of North Carolina; the forces sent thither this winter from South Carolina under the command of Col. Moore have obtained a considerable advantage over the Tuscaruros by the taking the only important fort they had, and it and other rencounters killed and made prisoners upwards of 1,000 of that nation. This blow having extremely frighted them, it was necessary to improve it, by engaging them in a Peace, since the Government of Carolina is utterly unable to reduce them by prosecuting the war, and by the information I have recieved from the President of that country of their disposition to fall into those measures I advised for establishing a peace I have reason to hope it is now very near, if not altogether concluded, the project whereof your Lordps. will find in the Council Journal of 16th April herewith sent. The making a peace with those Indians was the more necessary in regard of some late discoveries that they have been all along assisted in this war by the Senecas and others of the Five Nations under the Government of New York: for while the Carolina forces were besieging the Tuscaruro fort, a considerable body of those Northern Indians came into the Tuscaruro country, and would have perswaded the neutral towns to joine with them in raising that siege; and the same body of Indians meeting with our traders as they were going with a cargo of goods of the value of 1,000*l.* and upwards, to traffique with the Western Indians, fell upon them and plundered them of all they had, and at the same [time] did not disown their being

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Mohacks and other Northern Indians, which the traders likewise very well knew to be true, and was further confirmed by some of our Tributary Indians who going out, upon the news of this robbery mett and killed several of them. This brought the rest down on our frontiers, and obliged me to command out all our Rangers in search of them, but they were retired, ere our men could come up with them, and so escaped with their booty. Your Lordps. may observe in the Council Journal of the 10th of June last, that the Council were then unanimously of opinion that the Courts of Oyer and Terminer appointed by H.M. Instructions ought constantly to be held, whether there was any criminal likely to be tryed or not ; but now upon further consideration they are as unanimous in the contrary opinion, that unless there are criminals to be tryed, the holding that Court is unnecessary ; they have likewise all joined to represent to me that the Judges of the Court (whenever it is held) ought to consist only of the Council ; this was occasioned by my joining the Speaker and two others of the most eminent members of the House of Burgesses in commission with them last December Court, when I expected a man to be tryed for his life, and at a time that I could not reasonably depend on any more than four of the Council to sit upon that tryal. However here is no dispute between us, they being now come over to my opinion as to the calling the Courts, and I acquiescing in theirs, as to the appointment of the Judges, yet still I cannot give up my judgment withall upon this last point, unless I find your Lordps. concur with these gentlemen in their sentiments which are, that since the General Court has hitherto been the only stated Court of Judicature in this Colony which hath had cognizance of life and member, the Council who are constituted the judges thereof look upon that same jurisdiction to be confined to them, and cannot submit to share it with other persons. That some Governors might make a very dangerous use of this precedent, and bring thereby men's lives and libertys under less security than their estates : That the gentlemen of England are never added to the Judges in Commissions of Oyer and Terminer but in their circuits, and that then it is done because in those progresses, there is but one Judge to sit on the Pleas of the Crown ; and lastly that such affairs should proceed in the usual method, except where unusual accidents shall require an extraordinary exertion of the Royal power. This My Lords, is faithfully the sum of their arguments, and if it shall be judged that there is no need of a Governor's giving now and then an instance to undecieve the people here, and manifest the prerogative of the Crown, and particularly in this point to convince some that the General Court law passed here in 1705 has not established the Council to be the only Judges of life and death, that H.M. may appoint ; but if after all your Lordps. shall determine that the Members of the Council and no others ought to be Commissioners of those Courts of Oyer and Terminer, which H.M. orders me to constitute, I shall then most willingly continue to appoint them solely according as I have already promised them shall for the future be done, till I am otherwise commanded. The Commissioners and other officers appointed

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for settling the boundarys between this Colony and North Carolina finding a stop put to their proceedings by the proprietor's failing to nominate Commissioners to joine with them have now made application for an allowance for their past trouble. That matter has been examined in Council, and their trouble and expence being fully made appear, the Council have desired me to represent their case to H.M. that an allowance of 250*l.* according to the proportion mentioned in the Council Journal of 13th April may be paid out of H.M. Revenue of quitt-rents, the service for which they were employed being intended for the increase of that Revenue, and it's very true that had their endeavours taken effect, or whenever it happens that the boundarys are settled H.M. will gain such a large tract of land as will in a short time fully recompence all the charge that shall be expended thereon. Upon which consideration I beg leave to request your Lordships' favourable representation of their case to H.M. There being no affairs of consequence requiring an imediate meeting of the Assembly, it is now prorogued to July 1st, and I intend a further prorogation till the Fall, by which time I shall know whether the expected peace with Carolina is likely to put a stop to the frequent murders committed on our frontiers. But if it should prove otherwise I shall then stand very much in need of your Lordps.' advice for my conduct in so difficult a task, since in the present general poverty of the country, there seems little expectation that an Assembly will contribute any effectual succours towards the frontiers, and as little hopes can be built on either the Revenues of 2*s.* per hhd. or quitt-rents, the one being unable to discharge a third part of this last half year's salarys, and the other drawn away into H.M. Exchequer as fast as it arises here. Tho the country at present is very quiet, and the people generally easy and satisfied, yet I should be wanting in my duty to H.M., if I did not represent that the tobacco trade is now brought to that low ebb, that the planter who depends wholly upon it is not able to cloath his family; and I cannot forbear expressing my fear of their soon falling into manufactures of their own, if this trade be not speedily helped with some ease in the dutys laid thereon. or else with some new regulation: in order to which nothing would more encourage the planters than the reducing into practice a project I have lately seen said to have been handed to the merchants from the Custom house, whereby it is proposed that all tobaccos be lodged in the Queen's warehouses, without paying any duty till it be sold out, either for home consumption or exportation. The merchants indeed exclaim against this as ruinous to the trade, but the most judicious persons concerned in shipping tobacco from hence seem to like of it very well as the only means to put a stop to that unhappy necessity some merchants are reduced to of selling the freighter's tobacco at an under rate for discharging their debts at the Custom house, in which case, tho the merchant takes care to secure his freight and commission, the owners are often brought in debt over and above the loss of their principal adventure. *Encloses Journals of Assembly and laws passed last Session, etc.* P.S.—June 10th.



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The man of war by which this is intended being delayed here longer than I expected has given me the opportunity of a meeting of the Council at a Court of Oyer and Terminer held yesterday for the tryal of a criminal, the proceedings of the Council being chiefly the prorogation of the Assembly to Nov. 5th, and the passing the accompt of the Revenue of 2s. per hhd. *Encloses copies. Signed, A. Spotswood. Endorsed, Recd. 7th Aug., 1713, Read 3rd May, 1716. 4 pp. Enclosed,*

355. i. Accompt of the Revenue of 2s. per hhd., 23rd Oct., 1712–25th April, 1713. *Totals:—Receipts, 1,094l. 8s. 4d., Expenditure, 1,964l. 9s. 6d. Same endorsement. 1 p.*

355. ii. Copy of Proclamation proroguing the General Assembly of Virginia to July 1st. April 16, 1713.  $\frac{3}{4}$  p.

355. iii. Copy of Proclamation proroguing the Assembly to Nov. 5th. June 10, 1713.  $\frac{3}{4}$  p.

355. iv. Proclamation for apprehending Richard Oadham, of Nansemond, labourer, suspected for the murder of Robert Treween. June 11, 1713. *Endorsed as letter. 1½ pp. [C.O. 5, 1317. Nos. 18, 18 i.-iv. ; and (without enclosures) 5, 1364. pp. 262–272.]*

June 4.  
Whitehall.

**356.** Mr. Popple to the Secretaries of the Treasury. Encloses draft of bond in 1,000l. for Governor Eden (v. May 18) for the Lord High Treasurer's directions therein. [C.O. 5, 1292. p. 385.]

June 4.  
Treasury  
Chambers.

**357.** T. Harley to the Council of Trade and Plantations. Encloses following for their report. *Signed, T. Harley. Endorsed, Recd. 5th, Read 8th June, 1713.  $\frac{3}{4}$  p. Enclosed,*

357. i. Petition of disbanded officers and soldiers to the Queen. *Pray for a grant of land now uninhabited between New England and Nova Scotia, etc. Signed, Ja. Goodwin, Surgeon, Rudson Cobleigh, Capt. and 28 other officers and soldiers. 2 pp.*

357. ii. Proposal of disbanded officers and soldiers. *Describe advantages of the scheme and details, as July 10. The tract of land is above 100 miles in breadth and more in length, bounded N.E. by the bounds of Nova Scotia, being at the River of St. Croix, S.W. by the bounds of New England, at or near the River Sagadahok, N.W. by the great River Canada, S.E. by the Atlantick or Western Ocean in the latitude of 44 to 46, about 100 miles from Anapolis Royal and 150 from Boston. Propose appointment of a Governor, etc. Signed, Rudson Cobleigh, John Evance, John Horne, William Bowen, Wm. Armstrong, Capts. and 15 others. Copy. 3½ pp. [C.O. 5, 865. Nos. 88, 88 i., ii. ; and 5, 913. pp. 386–393.]*

June 9.  
Admiralty  
Office.

**358.** Mr. Burchett to Mr. Popple. *Requests Heads of Enquiry for the Commodore of the Newfoundland convoy may be "hastened hither, the convoy being under sailing orders."* *Signed, J.*

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Burchett. *Endorsed*, Recd. 9th. Read 10th June, 1713. *Addressed*. 1 p. [*C.O.* 194, 5. No. 23; and 195, 5. pp. 310, 311.]

June 10. **359.** Council of Trade and Plantations to General Nicholson.  
Whitehall. *Enclose* H.M. Proclamation of Peace to be published upon arrival in Newfoundland, *etc.* [*C.O.* 195, 5. p. 309.]

June 10. **360.** Council of Trade and Plantations to Lt. Governor Moody.  
Whitehall. *Enclosing* Proclamation of Peace *as preceding*. [*C.O.* 195, 5. p. 309.]

June 10. **361.** Mr. Popple to Mr. Burchett. *Encloses* Heads of  
Whitehall. Enquiry *etc.* for the Commodore of the Newfoundland Convoy. *The same as* March 12, 1711. [*C.O.* 195, 5. pp. 311, 312.]

June 11. **362.** Governor Hunter to the Council of Trade and Planta-  
New York. tions. *Refers to enclosures*. By ye first two yr. Lordps. will be convinc'd that wee can entertaine noe hopes of support for H.M. Government here, and by the other three, that endeavours are used to wrest her undoubted right from her. The Assembly are sitting but as yet have done nothing but sent me up a few resolves of their own of ye old stamp, soe that in all probability this will prove a short session. It is my duty to represent these matters, what credit my representations may have is call'd in question here, but I have had noe reason to beleive that they have not had their due weight with yr. Lordps., whatever may betide me, I shall behave myselfe like an honest man, a faithfull subject, and yr. Lordps.' most humble and most obedient servant. P.S.—I beleive yr. Lordps. will think it necessary to consult ye Attorney Generall as to ye questions stated with relation to ye quitt-rents, as also as to the escheats and whale fishing. *Signed*, Ro. Hunter. *Endorsed*, Recd. 20th, Read 28th July, 1713. 2 pp. *Enclosed*,

362. i. Governor Hunter's Speech to the General Assembly of New York, May 27, 1713. You are called to settle a revenue, not a government. (1) You cannot lodge the money destined for the support of the Government in the hands of any other than the officers appointed by H.M., or (2) divert the course of publick payments into any other channel than that prescribed by H.M. Letters Patents and Instructions, which is a warrant under the hand of the Governour, by and with the advice and consent of H.M. Council. I renew the ample security which I offer'd to the last Assembly against all mis-applications. (3) H.M. being the sole and undoubted judge of the services and rewards of her servants in the Government, it will be as vain as it will be disrespectful, for you (by making yourselves the judges) to endeavour to take that right from Her. Are you resolved to submit to such rules of Government as are prescribed in H.M. Letters Patents and Instructions? *Recommends*

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frequent conferences with the Council, "which will prevent the necessity of amendments, and consequently of all disputes relating to the right of making them," etc., etc. *Signed*, Ro. Hunter. *Printed* by William Bradford. *Same endorsement*. 2 pp.

362. ii. Copy of proceedings of the Supreme Court at New York, June—Sept., 1712. Richard Floyd is prosecuted for defrauding H.M. of her rights in a royal fish (whale) April, 26th. Demurrer entered by prosecutor. (b) Opinion of the Attorney General on preceding. The pleading is informal on both sides (*details*); however, the plea of the defendant being ill, I am of opinion judgment ought to be given for the Queen. *Signed*, Edw. Northey. July 30th, 1713. *Same endorsement*. 7¼ pp.
362. iii. (a) Copy of proceedings of the Supreme Court at New York, Oct. 1712; relating to an escheat of lands of Joseph Baker, late of New York, now standing on a demurrer.
362. iii. (b) Opinion of the Attorney General on preceding. It depends on Baker's will, if he hath sufficiently described the devisees, etc. *Signed and endorsed as preceding*. 13 pp.
362. iv. (a) The case of H.M. quit-rents for land in New York, with three queries as to future procedure.
362. iv. (b) The Attorney General's replies to preceding. *Signed and endorsed as preceding*. 4½ pp. [*C.O.* 5, 1050. Nos. 67, 67 i-iv.; and (*without enclosures*) 5, 1123. pp. 124, 125.]

June 11.  
New York.

- 363.** Governor Hunter to the Earl of Dartmouth. Encloses following etc. *Signed*, Ro. Hunter. 1 p. *Enclosed*,
363. i. Governor Hunter's speech to the Assembly of New York, Sept. 17, 1712. *Printed*. 2 pp.
363. ii. Duplicate of No. 338 ii.
363. iii. Duplicate of No. 362 i.
363. iv. Duplicate of No. 338 iii.
363. v. Copy of No. 362. [*C.O.* 5, 1091. Nos. 85, 85 i-v.]

[June 12.]

- 364.** Petition of disbanded officers and soldiers to the Council of Trade and Plantations. Petitioners are apprehensive that the unfortunate delays which their petition met with between April 23 and June 1st, will be of fatal consequence to them, if their petition should meet with any other delay, etc. *Endorsed*, Reed. Read June 12, 1713. 1 p. [*C.O.* 5, 865. No. 89; and 5, 913. pp. 393, 394.]

June 15.

- 365.** Certificate from the Remembrance Office that Governor Eden has given the security required (v. May 18). *Signed*, Math. Lancaster. *Endorsed*, Reed. 16th, Read 18th June, 1713. ½ p. [*C.O.* 5, 1264. No. 136.]



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June 17  
Whitehall.

**366.** Council of Trade and Plantations to the Lord High Treasurer. *Reply to June 4.* We find the whole country between the River Sagadahoc and Nova Scotia (and even Nova Scotia itself) has already by His late Majesty King William's Royal Charter of Oct. 7, 1691, to the inhabitants of the Province of the Massachusetts Bay, been granted to them, with power to make and pass grants of particular tracts of lands within that Province, but with a reservation nevertheless that no grants of any lands between the River Sagadahoc and the Gulph of St. Lawrence (in which the lands petitioned for are included) should be of any force until H.M., his heirs, or successors, shall have signified their approbation of the same. And we submit it to your Lordship whether H.M., can gratify the petitioners, untill a grant of the lands they desire be first obtained from the Corporation of the Massachusetts Bay, which we doubt not they will readily agree to, their Agent Mr. Dummer having communicated to us, a letter from them, signifying their willingness to admit any colony or number of people to settle on those lands. Upon this occasion we must observe to your Lordship that formerly there was a good fort at Pemaquid lying between Sagadahoc and Nova Scotia, that the French took the said fort in 1696, from the Government of the Massachusetts Bay and seized all the lands between Nova Scotia and the River Kennebeck, upon which they made a settlement, and have ever since till this Peace kept possession thereof; and we do not find by the sd. Massachusetts Agent, that ever that Government has attempted to regain or settle that country. The said Agent produced a letter from the Dutchess of Hamilton and Brondon to him, whereby she laid claim to 10,000 acres of land in those parts, in behalf of those claiming under the grant to the Marquis of Hamilton; but he said he beleived, those lands were never planted or settled by the grantees. We are humbly of opinion the settling the petitioners on the lands they desire, it will not only be a comfortable provision for the said disbanded officers and soldiers, and prevent their being in necessity for want of bussiness and employment; but it will also be a great security to New England by having their frontiers strenthned by such a number of people. The lands they pray for are in a very good climate, the soile is fertile and has plenty of trees for Naval Stores with many navigable rivers and good harbours, as also a very good fishery on that coast, from all which, it may be reasonably presumed that in a little time such a settlement may turn to the advantage of this Kingdom, in furnishing of Naval Stores and otherwise. [*C.O.* 5, 913. *pp.* 395-398.]

June 17.  
Treary.  
Chambers.

**367.** T. Harley to Mr. Popple. My Lord Treasurer desires to know what care is taken about preserving the chappell furniture in the severall Governments where any is allow'd by H.M., particularly as to that for Bermudas to which place a new Governour is appointed. *Signed, T. Harley. Endorsed, Recd.* 19th, Read 22nd June, 1713.  $\frac{3}{4}$  p. [*C.O.* 323, 7. *No.* 28; and 324, 10. *p.* 38.]

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June 18.  
Whitehall.

**368.** Council of Trade and Plantations to the Earl of Dartmouth. We have received a certificate from H.M. Remembrance Office that Governor Eden has given security for 1,000*l.* (v. May 18). We transmit draught of Instructions, for H.M. signature, to the Lords Proprietors of Carolina, relating to the Acts of Trade, *etc.* *Mem.* The Instructions are the same as those for Mr. Hyde, except the additional clause and the two clauses of an Act, which having relation only to the time of the late war were left out. [*C.O.* 5, 1293. *pp.* 386, 387.]

June [23].  
Fleet prison.

**369.** Jeronimy Clifford to Mr. Popple. *Encloses following.* *Continues* :—I am in danger of losing my land in Jamaica, which is worth at least 20*s.* per acre, by the stratagems of my adversarys who has for these many yeares prevented me removing my goods and slaves from Surinam to Jamaica for cultivating the same, *etc.* *Signed*, Jer. Clifford. *Endorsed*, Recd. 23rd, Read 25th June, 1713. 1 *p.* *Enclosed*,

369. i. Petition of Jeronimy Clifford to the Council of Trade and Plantations. Petitioner purchased in 1685 and 1695 480 acres in Jamaica of Oliver Hampson and 1,000 of Jacob Brand. By the illegal proceedings of the Governor and Society of Surinam he has been prevented from cultivating these lands. Some few dayes past he hath been informed by one of the principall sugar planters of Jamaica, that said lands was about two yeares agoe escheated by some planters there, and that the Government of Jamaica had issued out a proclamation pursuant to the Act by which, when an owner of unsettled lands is absent some years, it is free for any of H.M. subjects there to escheat them in the Queen's name for their own use, and if the owner doth not appear and make good his title within three years after such an escheat and proclamation is made thereupon in Jamaica, then the said lands shall be invested in the escheater. The three years time may not yet be elapsed, and petitioner prays that the enclosed titles may be forwarded to the Governor of Jamaica, *etc.* *Signed*, Jer. Clifford. 1<sup>3</sup> *pp.*

369. ii. iii. Copies of title-deeds of the lands in Jamaica purchased by Jeronimy Clifford from Oliver Hampson and Jacob Brandt. 7 *pp.* [*C.O.* 137, 10. *Nos.* 2, 2 i.-iii.]

June 23.  
Kensington.

**370.** H.M. Warrant to Col. Nicholson, Governor of Nova Scotia or Arcadia and Commander in chief of the forces of the said Province and in Newfoundland in America. The French inhabitants are to continue to enjoy their lands and tenements, or to sell the same if they shall rather chuse to remove elsewhere, *etc.* as May 30 *q.v.* *Countersigned*, Dartmouth. [*C.O.* 195, 43. *No.* 10; and (*duplicate*) 217, 1. *No.* 19; and 218, 1. *pp.* 103, 104; and 324, 32. *pp.* 219, 220.]

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June 23. **371.** Council of Trade and Plantations to the Lord High  
Whitehall. Treasurer. *Reply to June 17.* This Board has never been  
consulted in the furnishing the said chappell, and we suppose that  
the proper officers who issue the said furniture, have taken care  
that the same be preserved. [*C.O.* 324, 10. *p.* 38.]
- June 24. **372.** Petty expences of the Board of Trade, stationer's account  
and postage, Christmas, 1712—Midsummer, 1713. *Endorsed*,  
July 20, 1713. 11 *pp.* [*C.O.* 388, 76. *Nos.* 147–151, 153–155.]
- June 24. **373.** Order of Queen in Council. Upon considering *enclosed*,  
Kensington. it is referred to the Council of Trade and Plantations to report the  
properest method of settling St. Christophers in respect to the  
benefit of the trade of that Island and the inhabitants. *Signed*,  
John Povey. *Endorsed*, Recd. Read July 9th, 1713.  $\frac{3}{4}$  *p.*  
*Enclosed*,  
373. i. Address of the Council and Assembly of St. Christophers  
to the Queen. We humbly acknowledge your Majesty's  
care of us during the warr, and look forward to seeing the  
Colony flourish again in time of peace, *etc.* This is still  
the more secure to us by your Majesty's great care and  
wisdom in procuring the French part of this Island to  
remain in your Majesty's hand, which in a few years will  
render the same formidable, so [so] to defend itself  
against the attempts of an enemy, *etc.* *Pray for*  
*preference for the poor inhabitants as April 16 q.v.* *Com-*  
*mend* Lt. Governor Michael Lambert, whose conduct has  
often baulked the enemy in their designs against this  
(so much exposed) Colony, and has used the utmost  
care to make the same as defensible as the poor unhappy  
circumstances of the same will as yet admit off. His  
courage, loyalty, and length of service render him fitly  
qualified, *etc.* *Signed*, Jno. Greatheed, Speaker, Rowld.  
Davis, Joseph Crisp, senr., Thos. Dowson, Jonas Akers,  
Jno. King, Benj. Markham, Wm. Singleton, Rich.  
Haukihaws, Geo. Milward, John Felden, Jno. Davis,  
E. Janton, Fran. Phipps, Jno. Bourryau, Jos. Estridge,  
John Willet, Geo. Liddell. 2 *pp.*  
373. ii. Petition of Stephen Duport to the Queen. *To same*  
*effect as that of April 16.* 1 *p.* [*C.O.* 152, 9. *Nos.*  
160, 160 i., ii.; *and* 153, 12. *pp.* 76–82.]
- June 24. **374.** Order of Queen in Council. Robert Cunningham is to  
Kensington. be set at liberty, and depositions taken in St. Christophers and  
transmitted to the Council. *v.* A.P.C. II. *No.* 1173. *Endorsed*,  
Recd. June, 1713. *Primer'd*, 16th Jan. 17 $\frac{1}{2}$ <sup>g</sup>. 2 $\frac{1}{4}$  *pp.* [*C.O.*  
152, 11. *No.* 43; *and* 153, 12. *pp.* 486–488.]
- June 25. **375.** The Earl of Dartmouth to merchants and planters  
Whitehall. residing in Virginia. I send you enclosed a copy of a letter I have  
recd. from the Lords Commissioners of the Admiralty, by which  
you will see, that for protecting your trade from pirates a frigate



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of 20 guns is directed to remain on your coasts under the Govr.'s orders. *Signed*, Dartmouth. [*C.O.* 324, 32. p. 220.]

June 25.  
Whitehal.

**376.** Mr. Popple to Jeronimy Clifford. The Council of Trade and Plantations desire to know the title of the Act and the name of the planter from Jamaica you mention in your petition, *etc.* (v. June 23). [*C.O.* 138, 13. p. 431.]

June 26.  
Fleet.

**377.** Jeronimy Clifford to Mr. Popple. I cannot find the Act in the Jamaica Laws printed 1704. The planter's name is Joseph Hodges. He is very well known at the Jamaica Coffee-house by the Royall Exchange, where he may be spoken with almost every day untill September next, *etc.* *Signed*, Jer. Clifford. *Endorsed*, Recd. 27th, Read 29th June, 1713. *Addressed. Sealed.* 2 pp. [*C.O.* 137, 10. No. 3.]

June 26.  
Whitehall.

**378.** Council of Trade and Plantations to the Lord High Treasurer. *Reply to May 16.* We have discours'd the Agent of the Posts on the Continent of America, as also the Agent for the Massachusetts Bay, and are inform'd that in November last, an Act was past there for making paper bills current as specie throughout that Province. But no such Act has been yet transmitted to us as usual and ought to have been; the said Agents inform us that no fund is provided for the payment or discharge of the said bills, which must needs be a great disadvantage to trade, and a particular loss to the Revenue arising by the postage of letters; wherefore we humbly offer that H.M. pleasure be signified to Governor Dudley, immediatly to transmit hither the said Act for H.M. pleasure thereupon, and that he be directed for the future not to give his assent to any Act for making bills of credit current, unless the said Act do at the same time establish a sufficient fund for the payment and discharge of such bills. [*C.O.* 5, 913. pp. 399, 400.]

June 30.  
Treasury  
Chambers.

**379.** Mr. Lowndes to the Council of Trade and Plantations. *Encloses following.* "My Lord High Treasurer desires you to reconsider the whole affair upon the foot of this proposal." *Signed*, Wm. Lowndes. *Endorsed*, Recd. 30th June, Read July 2nd, 1713. *Addressed.*  $\frac{3}{4}$  p. *Enclosed.*

379. i. Further details of the proposal of disbanded officers and soldiers for their settlement between the rivers St. Croix and Sagadahock. *Signed*, John Norborne, Nicholas Currer, Thomas Coram, John Evance, Wm. Armstrong, Wm. Boteen, *rectius* Bowen, v. No. 385, John Lewis, *on behalf of petitioners.* *Copy.* 2 pp. [*C.O.* 5, 865. Nos. 90, 90 i.; and 5, 913. pp. 401-404.]

June 30.  
Virginia.

**380.** Lt. Governor Spotswood to [*? the Earl of Dartmouth*]. Upon further examination into the case of Jane Ham, condemned here last Genll. Court for concealing the death of her bastard child, I find she has a more reasonable excuse to plead for her ignorance of that law, which makes the concealment penal, than I at first

Wt. 5622,

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imagined, for notwithstanding that Act is by an express clause therein appointed to be read yearly in all churches, I find it never was published in any church in that county wherein she lived, *etc.* I hope H.M. will signify her pleasure to me for granting her pardon here, under the seal of the Colony; since this woman (being only a poor servant) has neither friends to solicit, nor money to pay the fees for obtaining one in England. *Signed*, A. Spotswood. 1 p. [C.O. 5, 1337. No. 23.]

June 30.  
Virginia.

**381.** Lt. Governor Spotswood to the Council of Trade and Plantations. Prays to be allowed to exchange some land with Col. Ludwell, *etc.* (*v.* Nov. 25 *infra*). *Signed*, A. Spotswood. *Endorsed*, Recd. 7th Aug., Read 8th Jan. 1713 (14). 3 pp. [C.O. 5, 1316. No. 102: and 5, 1364. pp. 16-19.]

[July 2.]

**382.** Copy of proceedings in Bermuda against Edward Jones, who was fined 20*l.* and condemned to six months imprisonment and debarred from making oath, 1701-2, for perjury, against which he has appealed to H.M. in Council. *Endorsed*, Recd. Read July 2, 1713. 10 pp. [C.O. 37. 9. No. 26.]

July 3.  
The Fleet.

**383.** Jeronimy Clifford to Mr. Popple. Begs him to enclose copies of deeds of his lands in the letter which Mr. Joseph Hodges informs him the Board is going to write to the Governor for securing his rights, *etc.* *Signed*, Jer. Clifford. *Endorsed*, Recd. Read April 14, 1714. *Addressed*. 1 p. [C.O. 137, 10. No. 47.]

July 8.  
Whitehall.

**384.** Council of Trade and Plantations to Governor Dudley. *Acknowledge* letters of April 8, Oct. 29, Dec. 2 and 9, 1712, and Mr. Addington's letters of Dec. 21, 1711 and Dec. 19, 1712. *Continue*:—We think ourselves oblig'd to take notice of the several Acts about bills of credit past both in the province of the Massachusetts Bay and in New Hampshire, particularly that to prevent the oppression of debtors, pass'd May 28, 1712, whereby creditors are enforced to take those bills in payment. We desire an account of the state of that matter, what number of those bills are extant, and what funds to answer them. If there are not funds to answer them, the issuing them is an injustice, and if there are sufficient funds the credit of them must needs be diminish'd by their being enforc'd, and the Acts past for preventing their being forg'd and punishing that offence, shows us that you experience another great inconvenience by those bills. As to what you mention of the difficulty of getting the prisoners out of the hands of the French, we can only say that the detaining any is contrary to the Articles of Peace which if upon any application to us, we find broken, we will use our best endeavours to obtain justice. We are entirely of your mind, that the best way to deal with the Indians is to endeavor to restore them to the English friendship, if you can bring them to live in quiet, and approve of your design, to attempt the bringing them to so good a disposition. In answer to yours of Dec. 9th, we think the salaries to the two Secretaries very small, but must leave it to your interest, in the two Colonies to

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persuade them to give reasonable allowance. *Conclude with circular letter given July 15.* [C.O. 5, 913. pp. 442-444.]

[July 10.]

**385.** Disbanded officers and soldiers to the Council of Trade and Plantations. We have considered the matter thoroughly and are willing to make the settlement if H.M. will give us arms, ammunition, utensills necessary, with transportation for ourselves 500 men and familys and full pay for one year to be now advanc'd for our settlemt. and support there, there being no cultivating untill the ground is clear'd and gott in readiness. A second year's full pay to be advanc'd at the beginning of ye year, which shall be repaid at the end of seven years, in naval stores or other effects. *Signed,* Thomas Coram, William Bowen, James Goodwin, John Evance, Nicholas Currer, Henry Powell, John Lewis, Will. Armstrong. *Endorsed,* Reed. Read July 10, 1713. 1 p. *Enclosed,*

385. i. Estimate of pay 9039*l.* 16*s.* 8*d.*, and cost of transportation 5,740*l.*, referred to in preceding. 1 p. [C.O. 5, 866. Nos. 2, 2 i. : and 5, 913. pp. 444-446.]

July 11.  
Whitehall.

**386.** The Earl of Dartmouth to Col. Moody. General Nicholson being ordered to sail directly to the Continent of America, it is H.M. pleasure that you proceed forthwith to Newfoundland with the forces, arms, clothing and other necessarys for the garrison of Placentia, which you will find at Kingsale. You are to take possession of the places in that Island which are to be yielded to H.M. pursuant to the late Treaty of Peace and the most Christian King's Order which Mr. Nicholson will likewise leave with the Governor or Commander in Chief at Kingsale to be delivered to you ; and you are to permitt the French subjects in those places who are willing to continue there and become subjects to H.M. to retain there immoveable effects, or else to sell them if they chuse to remove elsewhere, according to H.M. Order in that behalf of which I enclose a copy. *Signed,* Dartmouth. [C.O. 324, 32. pp. 221, 222.]

July 11.  
Whitehall.

**387.** The Earl of Dartmouth to Governor Nicholson. Upon the receipt of this Order you are forthwith to proceed with the stores to *Annapolis* in H.M.S. *Adventure* without stopping at Newfoundland least by such delay the benefit of the season which is already far advanced may be intirely lost, you are to leave the order from the Court of France to the Governor of Placentia for delivering that place to H.M. in the custody of the Commander in Chief at Kingsale to be putt by him into the hands of Collonel Moody when he shall arrive in that harbour. [C.O. 324, 32. p. 222.]

July 11.  
Jamaica.

**388.** Governor Lord A. Hamilton to the Council of Trade and Plantations. I acquainted your Lordships, March 31st, of Capt. Jacksons having seized a Spanish vessell on the coast of Porto Velo and taken a sum of money out of the said vessell since the commencement of the cessation of arms in these parts, and he has notwithstanding my representation of this matter to Sir



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Hovenden Walker carry'd the money with him for Great Britain. This has occasion'd a great clamour by the parties injured and repeated demands for reparation has been made to me by the Governor of Cartagena with the authentick attestations of that whole affair which comes herewith inclosed. There remains nothing further in my power but to acquitt myself, as I now do, of my promiss to the Governor of Cartagena to represent as fully as I can this affair to the Ministry in order to the obtaining full satisfaction. I am perswaded it will be needless to inforce this matter any further to your Lordships, the reputation of the service, and the trade of this Island to the Spanish coast being in some measure effected by it. Having granted a reprieve for the space of 12 months to John Freyday under sentence of death, I send inclosed his petition *etc.* in order to its being laid before H.M. for Her most gracious pardon, which is humbly recommended to your Lordships. This Island is at present healthy and all quiet and easie; we have had already the happyness of seeing H.M. most gracious speech and have the news of the Peace being proclaim'd. and am dayly in expectations of receiving H.M. comands for publishing the same here. P.S. The President of Panama has pray'd me to forward the inclosed. *Signed, A. Hamilton. Endorsed, Recd. 23rd Sept. 1713, Read 19th Jan. 17 $\frac{1}{4}$ . 2 $\frac{1}{2}$  pp. Enclosed.*

388. i. The Governor of Cartagena's demand for reparation for money taken out of a Spanish vessel by Capt. Jackson after the suspension of arms, with depositions, *etc.* *Endorsed, Recd. 23rd Sept. 1713. Spanish. 37 $\frac{1}{2}$  pp.*

388. ii. Petition of John Fryday to Governor Lord A. Hamilton. Petitioner lies under sentence of high treason for having clipt and light'ned Spanish mony made current in this Island by the laws thereof. Petitioner acted in ignorance that it was a crime to lighten foreign money, as is shown by the evidence that he acted publicly. *Prays for a reprieve, etc. Signed, J. Fryday. 1 p.*

388. iii. Reference of *preceding* to the Judges of the Supreme Court by Lord A. Hamilton, with their recommendation for mercy on the grounds advanced by the petitioner. *Signed, Peter Heywood, Richd. Stoddart, James Rubee (?). June 13, 1713. Endorsed, Recd. 23rd Sept. 1713, Read 19th Jan. 17 $\frac{1}{4}$ .  $\frac{3}{4}$  p. [C.O. 137, 10. Nos. 33, 33 i.-iii.; and (without enclosures) 138, 14. pp. 51-53.]*

July 13.  
Whitehall.

**389.** The Earl of Dartmouth to Governor Nicholson. In pursuance of July 11. In case any of the cloaths *etc.* belonging to the garrison of Placentia should be under your care, you are to leave them with the Governor of Kingsale to be delivered by him to Col. Moody *etc.* [C.O. 324, 32. p. 223.]

July 13.  
Whitehall.

**390.** Council of Trade and Plantations to the Lord High Treasurer. *Reply to June 30.* We have consider'd the new proposal of the disbanded officers and soldiers for making a settlement in

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North America, and have severall times discours'd with them thereupon, in order to their bringing the charge of that settlement as low as possible. Whereupon they have delivered to us a memorial (*v.* July 10). They say they cannot pretend to go on lower terms, and therefore we leave it to your Lordship's consideration whether H.M. should be at so great an expence. If H.M. shall think fit to advance any money, besides what is necessary for their transportation, then we take leave to offer, that in our opinion, Nova Scotia is a fitter place, to make their settlement in, than the lands they desire, which will require a great deal of time and cost, to clear the woods to build houses, and make settlements; whereas Nova Scotia having been for many years inhabited by the French, these people will find settlements ready made there. [*C.O.* 5, 913. *pp.* 447, 448.]

July 13.  
Whitehall.

**391.** Wm. Popple to Isaac Addington. Refers to preceding acknowledgment of letters. [*C.O.* 5, 913. *p.* 449.]

July 14.

**392.** Mr. Attorney General to the Council of Trade and Plantations. I have considered of an Act passed at St. Christophers (*v.* 19th Nov. 1712) for settling the estates and titles of the inhabitants, etc., which Act first provides that no title of H.M. shall be reviv'd or putt in suit on account of the reconquest of yt. Island but that every proprietor of land should be reinvested in such estate therein as he or his ancestors or as they whose estate he hath legally had at ye time of ye sd. Island's being surrendred to ye French in 1689, against wch. I have no objection. The next clause quiets the possessors of lands there who have had quiet possession thereof wtout legal interruption for 5 years before ye beginning of the warr in 1689 and from the reconquest thereof to the making of that Act, without any legal hindrance thereto in a Court of Record unless sued for within 3 years after ye Act, which provision is proper if persons under disability as Infnts. Feme Coverts persons non compos or imprison'd and their heirs, had been allowed three years to claim after those disabilitys removed which is omitted. The next clause takes notice that sevell. subjects of the French King did at ye conquest of ye sd. Island in 1666 pretend to buy of the English sevell. plantations, and gave small considerations therefore, wch. by the Treaty of Breda was ascertain'd and confirm'd and such French purchasers unless ye old English proprietors did (within a time thereby limited) repay ye price of ye first purchase and all melioration thereon, which many failing to doe, the French remain'd possess'd thereof till they sold again to ye English or otherwise forfeited ye same, and enacts, that all conveyances and assignmts. of lands made by any such French subject who was in possion thereof after ye time limited in ye sd. Articles should be good and valid in law, and likewise makes good all grants of lands forfeited before 1689 by such French subjects, and given under ye great seal of yt. Isld., and be good agst. any right or claim prior to such French subjects possessn., against wch. clause likewise I have no objection. The next clause takes notice that

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many of the French subjects (who continued to hold their lands in the English Quarters by virtue of those Articles, till ye breaking out of ye sd. late warr) did then renounce the protection of ye English and remain'd wth. the French, and after the reconquest of ye sd. Isld. by ye English abdicated their possessn. and went off with other French subjects, and likewise that many Irish subjects of ye English Crown did then goe into open rebellion assisting the French to subdue the English part of ye sd. Isld. and remain'd wth. them in profess'd hostility, for wch. there was reason that they should be attainted and their estates confiscated to ye use of ye Crown but for want of civil administration of the Governmt. of the sd. Island for many years after ye reconquest, the same was not done in such form as the law required, but that the lands for ye better settling and strengthening yt. Isld. were granted under the great seal there, to sevl. people who by their industry have much improv'd ye same, and thereby strengthned ye sd. Isld., and enacts that all the lands in the English Quarters of any Frenchman or woman who quitted and deserted ye same upon retaking ye sd. Isld. by ye English and went off wth. other French subjects and dyd or yet survive in the Dominions of the French King and also all lands of Irish or other natural subjects of great Britain who then appear'd in rebellion and recd. protection from the French, were justly forfeited to and legally vested in ye Crown, notwithstanding any deficiency or want of proceedings heretofore neglected for ye more regular confiscation of ye same, wch. that Act is to be deem'd to answer and supply, and the titles of ye patentees thereof are thereby confirmed which clause making forfeitures for treason, without convicting or attainting ye traytors is contrary to reason and the practice of the Parliamt. of great Britain. Perhaps it might be reasonable to discharge the possors. of all ye mean profits of such lands and to confirm their titles to ye same unless the supposed forfeiting persons should within a certain time pay to ye patentee the full value of all improvements made thereon, and also ye moneys pd. to ye Crown for ye purchase thereof. The next clause provides that all bills of sale of lands made under ye hand and seal of ye Provost Marshal or his Deputy and according to ye known usage and practice of that Island should be good and valid to any purchaser and his hres. against a former proprietor and his heirs and any claiming by him, by any conveyance made after ye execution levyd on such lands, notwithstanding ye records or laws of yt. Isld. on wch. such execution and bill of sale are founded may by ye late unhappy confusion of ye times be defaced or lost, wch. clause is needless if there be any such law to warrant such execution, and unreasonable if there be no such law. Beside, the clause as worded may be construed to confirm all judgments. entred and thereby deprive the subject of his writt of error wch. also is unreasonable. The next clause in the Act provides that no want of method or of sufficient legal words to create an inheritance to them and their heirs, nor impropriety of speech which through ye ignorance of former times are frequent in old deeds shall vitiate or make void any deed grant devise or other



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conveyance whatsoever, wch. is unreasonable to make estates pass without legall words and may create disturbances to ye present possessors. *Signed*, Edw. Northey. *Endorsed*, Reed. 17th July, 1713, Read 24th Feb. 17 $\frac{1}{8}$ . 3 $\frac{3}{4}$  pp. [*C.O.* 152, 12. No. 64; and 153, 13. pp. 225-229.]

July 14.

**393.** Stephen Duport to the Council of Trade and Plantations. Proposals concerning the resettlement of St. Christophers. *Endorsed*, Reed. Read July 14, 1713. 3 pp. *Enclosed*,

393. i. List of plantations in St. Christophers to be claimed by way of petition to H.M. 1 p.

393. ii. List of plantations in St. Christophers granted for a limited time.  $\frac{1}{2}$  p.

393. iii. A proposal (by a former Councillor) concerning the disposal of the French part of St. Christophers. Oct. 7, 1712. 1 $\frac{1}{2}$  pp. [*C.O.* 152, 10. Nos. 5, 5 i.-iii.]

**394.** Mr. Attorney General to the Council of Trade and Plantations. I am of opinion that the Act passed in Jamaica July 31st, 1711, *for the further quieting possessions, etc.*, (v. Dec. 12, 1712), is not fit to be confirmed. (1) The recital, that several titles made for want of skill and knowledge in those that drew conveyances of the same may admit of disputes and suits in law and equity is very improper, for I do not know that ever any law was passed to quiet possessors who had no titles, therefore this is fit to be left out, and possessors with non claim will have the benefit of it, with title or without. (2) The Act establishes all titles to be in fee where persons had been possessed before making of it for seven years without suit claim or interruption or shall continue for seven years from the first possessing as well against the Crown as any subject, which is unreasonable, being to establish a wrongfull possession, and to barr the Queen and her people that have not claimed, when they were not before obliged by law to claim, without giving a reasonable time to the Crown, or the subject to contest the possessor's title, which was never done in England, the Statute 32 H. VIII and 21 Jac. I., which are the English statutes of limitation giving time for those that had cause of suit when the Acts were made, before those statutes should affect them. But in that Island in an Act for prevention of law-suits in the collection of the laws of Jamaica the then possessors' titles were confirmed, if they had or should continue seven years quiet possession. (3) This Act is unprecedented to put the Queen and her subjects on a levell as to the time of their claiming their rights. In England in the times of King H. VIII and Qn. Elisabeth several Acts of Parliament were made for confirming the letters patents of the Crown, but no Statute of Limitation of time for their suits. The statute of 21 Jac. cap. 2, against concealments made in England quieted possessors onely where possession had been against the Crown for 60 years, and the Crown had not been answered any rents nor the lands duely in charge within that time. But there is no Act that limits the Crown to a time in their suits for lands

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etc. How far H.M. may be advised for the quiet of the Island of Jamaica to confirm the present titles, if she shall not contest them within seven years as proposed by the Bill is submitted. But I cannot think H.M. will be advised to put herself and her successors for ever hereafter on the levell with her subjects as to the time of comencing her suits, and therefore if H.M. will confirm the present titles if not contested within that time, I think for future rights the Act should be made to extend onely to the subjects' suits. Besides I do not understand what is meant by titles against the Crown by virtue of any Order formerly granted. (4) The first proviso, for persons under disabilities to sue, omits persons in prison, and for those that are mentioned, saves the right of suits or entry onely to themselves but not to their heirs extors. or admors. as it ought to have done. And the proviso ought also to extend to suits where the debts. shall be beyond sea. (5) The proviso touching bonds bills and mortgages whereon no interest hath been paid and judgments recognizances fines and amerciaments and all other writings obligatory, which have not been legally demanded within 20 years from the dates or from the last payment of bills bonds and mortgages, and that shall not be legally demanded within 5 years after making the said Act, which declares them null and void is unnecessary and unreasonable. Unnecessary, because at law after 20 years past without demand, it will be presumed the debts are satisfied, unless the creditor shew a reason why no such demand was, as prior incumbrances, or absence, poverty or absconding of the debtor, or absence or incapacity of the creditor. And it is unreasonable, for that the non payment of interest for that time may be proved to be by agreements, or the securities may be kept on foot to protect an estate, or the debtor may have been insolvent absconded or absent, or there might be prior incumbrances which ought to be first satisfied, or the creditor might be absent or under disability to claim. The last clause that makes all bills of sale, deeds and other conveyances made and recorded according to an Act of that Island *for preventing of law-suits*, as well as those that should be after made to have the effect of a fine or common recovery is unreasonable as to deeds made before this Act, and may give title to persons against the present possessors by a retrospect. The latter part of the clause to make future deeds recorded as good as a fine or recovery in England may be reasonable, and I apprehend is wanted in that Island, the former law making the grants onely of men and their wives of such effect. On the whole I am of opinion, this law is not proper to be approved of, but that an Act for limiting times for suits to be commenced between party and party is reasonable and necessary, and such law may with small alterations be framed by the English Act of 21 Jac. As to the quieting present titles against the Crown, if H.M. shall be graciously pleased to allow the same, it's proper to be done by an Act for that purpose onely. P.S.—It is proposed by several gentlemen on behalf of the Island of Jamaica that this law may remain with your Lordps. for sometime, that there may be opportunity of passing and

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transmitting a law or laws for quieting possessions not liable to these objections, and that then this law may be repealed, against which I have no objection. *Signed*, Edw. Northey. *Endorsed*, Recd. Read July 17, 1713. 3½ pp. [C.O. 137, 10. No. 5; and 138, 13. pp. 434-440.]

July 14.  
Whitehall.

**395.** Council of Trade and Plantations to Edward Lloyd, President of the Council of Maryland. *Acknowledge* letters of Jan. 25, July 15, Nov. 20th, 1712, and April 16, 1713. *Continue*: Wee have transmitted to the Earl of Dartmouth your letter to him and the Address therein refer'd to. You have not with your papers sent any account of the annual revenue of Maryland, which you are required to do by your Instructions, and therefore we must remind you thereof, that you do not fail of doing it half yearly or oftner, as opportunity offers to us. The Acts which we have receiv'd shall be considered at the first opportunity, and our opinion thereupon transmitted to you. In the mean time we must observe upon the Act *for regulating writts of error and granting appeals from and to ye Courts of Common Law within this Province*, that by H.M. Instructions, you are required to endeavour to get a law passed, wherein the method and limitation of appeals from the inferior courts to the Governor and Council may be settled and restrained; but you are not to enact anything that H.M. has already settled by Her said Instructions, and therefore all that clause in the foresaid Act, which relates to appeals from the Governor and Council to H.M. ought to be left out, the same being sufficiently provided for as aforesaid. Wee advise you therefore, to endeavour to get a new law pass'd without the said clause: else wee shall be obliged to lay the same before H.M. for her disallowance. [C.O. 5, 727. pp. 336, 337.]

July 15.  
Whitehall.

**396.** Circular letter from the Council of Trade and Plantations to Governors of Plantations. Enclose for publication, copies of the Treaties of Peace and Commerce with France, and the Assiento Contract. [C.O. 29, 13. p. 17; and 38, 7. p. 184; and 5, 727. p. 338; and 5, 913. pp. 443, 444; and 5, 1123. p. 118; and 5, 1292. pp. 387, 388; and 5, 1363. p. 487; and 138, 13. pp. 433, 434; and 195, 5. pp. 314, 315; and 153, 12. p. 103; and 218, 1. p. 80.]

July 15.  
Whitehal.

**397.** Mr. Popple to Mr. Attorney General. *Encloses* extract from Governor Lowther's letter. *Continues*:—The Council of Trade and Plantations desire your opinion as soon as may be, upon the following query, vizt., whether an appeal can, or ought to be brought from the Court of Exchequer in Barbadoes, to the Governor and Council there, as a Court of Chancery. 1 p. *Overleaf*,

397. i. Sir Edw. Northey to the Council of Trade and Plantations. I am of opinion the Governor by virtue of his Instructions is to admit appeals as well from the Court of Exchequer as from other Courts in Barbados for the Governor and Council there, and this plainly was the



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intent of the Governor's Instructions, no appeal being directed to be allowed from any Court to H.M. but from the Court of Chancery, which would have been provided for, to have been from the Court of Exchequer to H.M., if an appeal had not been intended to be first in the Chancery. *Signed*, Edw. Northey, 16 Feb. 1713 (*sic*).  $\frac{1}{2}$  p. *Endorsed*, Recd. Read July 17, 1713.

397. ii. Extract of Governor Lowther's letter Dec. 20, 1711.

397. iii. Extract of Governor Lowther's Instructions relating to a Court of Exchequer and to appeals. [*C.O.* 28, 13. Nos. 102, 102 i.-iii.; and 29, 13. pp. 16, 21.]

July 16.  
Whitehall.

**398.** W. Popple to Sir E. Northey. *Encloses No. iii. supra*, and desires an answer as soon as possible. [*C.O.* 29, 13. p. 18.]

July 16.

**399.** Mr. Rigby, Deputy Secretary and Provost Marshal of Jamaica. Objects to the Act of Jamaica *for preventing any one person holding two or more offices*, as aimed at himself and encloses following. No inconveniencys have hapned through his holding the two offices, *etc.* *Signed*, R. Rigby. *Endorsed*, Recd. 17th, Read 31st July, 1713. 2 pp. *Enclosed*,

399. i. Copies of Sir E. Northey's opinion, June 30, 1707, given to Governor Handasyd, that the office of Provost Marshal is not incompatible with that of Secretary, *etc.* 1 p. [*C.O.* 137, 10. Nos. 23, 23 i.]

July 17.

**400.** Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. We have considered the case of Thomas Simpson and Mrs. Gandy (*v.* Feb. 21, 1711, and March 8 and Nov. 12, 1712) and have heard the persons concerned on both sides, *etc.* *Case stated at length.* *Conclude* :—Wee are humbly of opinion that the Act (of Jamaica) *for vesting Thomas Finche's estate in trustees, the better to enable his security to pay £3800 due from him as Commissioner for the publick of this Island*, was just, the bond to H.M. being a charge on the same and therefore preferable to other creditors of the said Finch, and that it was reasonable to make such provision for the payment of those moneys, the same being publick money, and to be accounted for to the Assembly, and it was just that Finch and his estate should be charged with the same and not to have the same levied on his security, and leave them to their remedy at law for their satisfaction they having pursuant to the Act advanced the moneys after, for fitting out the sloops, as appears by the affidavit of William Wood and Joseph Hodges, *etc.* In pursuance of that Act the trustees have already sold part of Finche's estate, and if that Act should be now rejected, those purchasers will lose the money paid by them for the same. *Signed*, Edw. Northey, Rob. Raymond. *Endorsed*, Recd. 22nd July, 1713. Read 25th Feb. 17 $\frac{1}{4}$ . 6 pp. *Enclosed*,

400. i. Affidavit of Joseph Hodges referred to in preceding. Jan. 13, 1712. *Signed*, Joseph Hodges.  $\frac{1}{2}$  p.

400. ii. Affidavit of William Wood, referred to in preceding.

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Jan. 13, 1712. *Signed*, Wm. Wood. *Endorsed*, Reed. 23rd July, 1713. Read 25th Feb. 17<sup>13</sup><sub>11</sub>. 1 p. [*C.O.* 137, 10. Nos. 42, 42 i., ii.; and (*without enclosures*), 138, 14. pp. 77-86.]

[July 17.] **401.** Whitgift Aylmer, Francis March and Thomas Beckford to the Council of Trade and Plantations. As former members of the Assembly of Jamaica, and in reply to Mr. Popple's summons, pray for time and access to documents, in order to put into writing information concerning the passing of the Act *for preventing of any one person from holding two or more offices etc.*, and concerning the escheated estate of Mrs. Kupius, *etc.* *Signed*, Whitgift Aylmer, Francis March, Thomas Beckford. *Endorsed*, Reed. Read July 17th, 1713. 1 p. [*C.O.* 137, 10. No. 19.]

July 17. **402.** Lt. Governor W. Hamilton to [? Mr. Lewis]. I have received some intelligence that John Bermingham is in this city [=London Ed.] *etc.* I shall informe myselfe where he may be apprehended, *etc.* You may direct for me at my Lady Russells' in Berwick Street. *Signed*, W. Hamilton. 1 p. [*C.O.* 152, 42. No. 110.]

July 18. **403.** Mr. Popple to Sir Edward Northey, Attorney General. Whitehal. *Encloses four parcels of Jamaica Acts.* The Council of Trade and Plantations desire your opinion in point of law, with what convenient speed you can, upon the Acts (1) *declaring what persons shall be qualify'd to sit in Assembly* (1711); (2) *to prevent hawking and disposing of goods clandestinely* (1711); (3) *to disenable any member of the Council or Assembly from acting as Commissioner for receiving any publick money, etc.* (1711); (4) *for regulating fowling and fishing* (1711); (5) *for the better securing the estates and interests of orphans and creditors, and to oblige executors to give security and to return appraisements into the Secretary's office* (1711); (6) *to encourage white men to come to continue and settle in this Island* (1712); (7) *for preserving the public Records* (1712). [*C.O.* 138, 14. pp. 13-15.]

July 18. **404.** Governor Hunter to the Council of Trade and Plantations. N. York. This comes by ye *Enterprize*; I have not had ye honour of any from your Lordps. since that of ye 12th of June, 1712, which makes me conclude that my pressures are remedyless, haveing had hitherto too solid proofes of your Lordps. compassion to doubt your endeavours for my releife, I shall not now add to your concerne by a recapitulation, but proceed to what has since occurred. Haveing spoke to ye new Assembly (v. June 11), their fears of ye promis'd remedy at home, and their apprehension of a speedy dissolution suggested to them the necessity of an appearing willingness to support the Government in ye manner it was expected they should, and some resolves in their Grand Committees sounding soe, made it necessary to continue their session. The Act for support of Government will best inform your Lordps. of ye result, for there they lodge in H.M. Receiver's

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hands, a summe short of their own scanty allowance of £2800, and ye Government is to have recourse to their Treasurer for ye remainder, and this too but for one yeare, soe that whoever has ye misfortune to be concern'd in their Governmt. ye ensueing yeare will be laid under an unavoidable necessity of teizing yr. Lordps. as I have done. The other two Acts (*enclosed*) require noe comment. That house had passed severall other Bills, some of which have also past ye Councill, but their harvest comeing on, and all of them being desireous of a recess, I thought fitt to delay my assent untill they meet againe, being now adjourned to ye first of Oct. next. Amongst these there is an Act for appropriating the Excise to ye payment of ye publick debts for 20 yeares, but those debts not being as yet ascertain'd by an Act or any method of payment fix'd, I shall not assent to ye one without the other, least I should pass an Act for lodgeing considerable summes in ye hands of a country Treasurer for purposes which I am a strainer to, and which may be hereafter apply'd to worse uses than anybody dreams of at present. I have often told yr. Lordps. that it is in vaine to attempt anything in the Jerseys untill the Councill be altered. I know that yr. Lordps. are of the same opinion, and I doe again affirm that you must change the Councill or change ye people, for changeing ye Governour will not doe. The Palatins (*askeing* yr. Lordps'. pardon for mentioning them) who remaine upon the lands on which I planted them, have beene by the blessing of God and their own labours able to subsist themselves, those who run to Schohare have beene oblig'd to ye charity of ye province to save them from starveing. The trees will be ready for ye manufacture after this Fall, but nothing can be done here for nothing. I have formerly inform'd your Lordps. of ye disputes about the quitt-rents, and whale-fishing. I think it now necessary to put your Lordps. in mind of an Act past here in November in ye ninth yeare of H.M. raigne entituled an Act for ye better settlement and assuring of lands, which was intended to gaine over ye people to ye interest of ye Government, and has not as yet obtain'd H.M. approbation. Yr. Lordps. are ye best judges whether or noe their behaviour has deserved that, all claimes are barr'd by that Act ye first of September next ensueing. Soe it is high time to think of it. My Lords, I have done my best in my station, and apprehend no scrutiny on earth. God who knows my heart will acquitt me elsewhere. I have serv'd faithfully, suffer'd patiently, and shall resign chearfully whenever it shall be H.M. pleasure I should doe soe. I have spent ye better part of my life in her service, and for that am ready to sacrifice ye poore remainder, but whatever befall me, I am with ye deepest sense of gratitude and duty, my Lords, your Lordps'. most humble and most obedient servant. P.S.—I send yr. Lordps. likewise a private Act wch. needs noe remarke. Since ye writeing of what is above the post from New England has brought me H.M. Letters for ye changes in the Councill of ye Jerseys, and the pardon of ye condemn'd negroes here, which will enable me to struggle chearfully with all other difficulties, for indeed the notion that a faction



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here had spread that I was disregarded at home, and consequently speedily to be recalled had gain'd soe much credit, that the freinds of ye Government cool'd whilst ye others triumph'd. Your Lordps. shall never have reason from any act of mine to repent or be asham'd of your generous patronage, *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 23rd Sept., Read 22nd Oct. 1713. 2 pp. [*C.O.* 5, 1050. No. 68; and 5, 1123. pp. 128-133.]

July 18.  
N. York.

**405.** Governor Hunter to Mr. Popple. Acknowledges letters as above. *Signed and endorsed as preceding. Holograph.* 1 p. [*C.O.* 5, 1050. No. 69; and 5, 1123. pp. 133, 134.]

July 18.  
N. York.

**406.** Governor Hunter to the Earl of Dartmouth. Encloses copy of No. 404. *Signed*, Ro. Hunter. *Holograph.* 2 pp. *Enclosed*,

406. i. Duplicate of No. 404. [*C.O.* 5, 1085. Nos. 13, 14.]

July 19.  
Corke.

**407.** Governor Nicholson to the Earl of Dartmouth. *Acknowledges* letter of July 11th, and H.M. commands of June 23rd. I have enquired of Capt. Caleb Wade, H.M.S. *Adventure*, when he could be ready to saile, *etc.* I hope in God wee shall be able to reach Annapolis Royall time enough not to lose the benefit of the season for New England, and if possible I shall endeavour to visit Placentia *etc.* before the winter, *etc.* *Signed*, Fr. Nicholson. 1½ pp. [*C.O.* 5, 9. No. 117.]

July 20.  
Whitehall.

**408.** Council of Trade and Plantations to the Lord High Treasurer. Request payment of enclosed account of office expenses and salaries, Michaelmas, 1712—Midsummer, 1713. [*C.O.* 389, 37. pp. 60-63.]

July 20.  
Whitehall.

**409.** Council of Trade and Plantations to Governor Hunter. Since we wrote to you on the 13th [? 23rd] April, we have seen your letter to our Secy. of the 11th of May, and are very much surprized to find the Assembly of New York persist so long in their undutifulness to H.M. after what we have so often writ you upon that subject. We acquainted you (April 23rd) what we had done upon that matter; H.M. approved the draught of the Bill, and directed us to lay the same before the Parliament, but the Parliamt. rising so soon after it was impossible to prosecute it this Sessions to effect, however you may be assured that now we have H.M. commands as aforesaid, we shall not fail at ye beginning of the next Parliament, to take all the care possible that H.M. commands for the future be no more slighted by a people who owe their whole protection to H.M. goodness. Your endeavours and resolutions to support and maintain H.M. rights and prerogative, are very commendable; but as to the augmentation of the forces you desire, we cannot at present make you any answer thereto. We inclose Mr. Attorney General's opinion (May 5) relating to grants of lands and quit-rents, which will be a guide to you in all future occasions, *etc.* [*C.O.* 5, 1123. pp. 121, 122; and 5, 1335. No. 184.]

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July 20.  
Whitehall.

**410.** Council of Trade and Plantations to Lt. Governor Spotswood. *Acknowledge* letter of Feb. 11th. *q.v.* *With regard to the expenses of the spyboat and prisoners*, all that can be done now will be (when the next session of Assembly shall resume the consideration of the state of the Revenue), to exhort them to replace the money you have been obliged to take for these purposes out of H.M. Revenue of 2s. per hhd., because these services were solely for their advantage and security. and that all prisoners of war, taken in the Plantations are constantly subsisted at the charge of those Colonies where they are taken. This gives us occasion to remind you of the article of your Instructions, whereby you are required to transmit to us a constant account of the receipts and issues of the publick revenues made up every half year, and which we shall expect from you for the future. We must needs commend your charity to your distressed neighbours of North Carolina, and the great zeal you have shewn in exciting your Colony to afford them the assistance, they have done in cloth and money, and if your people had any share in the action, which as 'tis said happen'd on the 20th of March last, wherein the Tuscoruro Indians were entirely defeated, we hope to have that report confirmed by a more authentic accot. from yourself. We have the laws you have sent us, now before us, but have not had time to consider of them. The Bill prepared in pursuance of H.M. permission for passing the 84 Article of your Instructions into a law, being so reasonable and well suited to the circumstances of your Colony, makes it the more unreasonable in the Assembly to reject it: but since they have done so in adherence to their unreasonable customs, it is but just that you strictly pursue the purport of your Instructions, which are and ought to be deemed by them as valid as their Charter. You have done very well by a Proclamation to prohibit the abuse of that privilege granted to persons imported, and hope the measures you have taken will be effectual to redress those practices. You will do very well to pursue the scheme you propose for revising the laws of this Colony, rather than by the Assembly and if you transmit a copy of them hither before they are printed for our perusal, it will be very reasonable that the persons who took the pains, should have ye privilege of printing and selling them, and you may assure them that they may expect our concurrence and assistance for the same. We have received the account of arms and ammunition belonging to H.M. and remaining in the several counties, where they were dispersed, and we desire you from time to time to give us the like accounts for our information. As to the low prices of tobacco which you say is the occasion no more negroes have been imported into your Colony, we hope that in another session of Parliament if the trade of France be open'd, it will give a great vent to and consequently raise the price of that commodity. We shall expect a more compleat list of births and burials according to your promise. We shall make a representation in behalf of Mr. Wm. Cock Secretary as a fit person to supply the place of Col. Harrison in the Council for the reasons you give, and we wish Col. Basset would be content with being replaced at the Council,

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and not insist on being restored to his former precedence for the mischiefs and inconvenience that such an example would necessarily introduce, and think he has the more reason to submit to it, because his being out of the Council was his own voluntary act. [*C.O.* 5, 1363. *pp.* 506-510.]

July 20.  
Whitehall.

**411.** Mr. Popple to the Earl of Orkney. There being now three vacancies in the Council of Virginia in case Mr. Basset shall persist to refuse acting unless he be restored to his place of precedence therein; the Lords Commissioners for Trade and Plantations have under consideration the filling up the said vacancies, and command me to acquaint your Lordship therewith and to desire to know whether your Lordship have anybody to recommend to those places. I return your Lordship, my most humble thanks for the favour your Lordship was pleased to do me upon the account of James Keys. [*C.O.* 5, 1363. *p.* 511; and 5, 1335. *No.* 185.]

July 20.  
Whitehal.

**412.** Council of Trade and Plantations to Governor Lowther. *Acknowledge* letters of Dec. 20, 1711, Feb. 18, April 9, May 28, Aug. 16 and 29, 1712, and Jan. 26 and March 30th, 1713. *Continue*:—As to what you write relating to the non-observance of H.M. orders about coin in the Leeward Islands, we are to inform you, that the present Governor being recall'd, we shall take care, upon the sending over another, that the said orders be reinforc'd. H.M. having been pleas'd, upon Mr. Carter's petition, to restore him to the practice of the law, from which you had suspended him, we have little to say to you upon that subject, only we think it necessary to give you our opinion upon the matter for your future government. When a practitr. of the law has been once admitted by the Courts, he has an undoubted right to practise there, and ought to enjoy the same, till he shall be legally convicted of such misbehaviour in his practice as shall amount to a forfeiture of such right. As to the particular case of Mr. Carter, you might have suspended him from the execution of his office for pleading against H.M., but we do not think, for the reasons abovemention'd, that you have power to suspend him from the practice of the law. Upon this occasion, we must take notice to you, that none of the Queen's Council at Law either here or in the Plantations, ought to plead against H.M., without H.M. leave, or the leave of H.M. Governors in the said Plantations. This we desire you therefore to signify to them that they may conform themselves thereunto accordingly. In answer to your query how you are to behave yourself in case you shou'd happen to be either plaintiff or defendant in Chancery, we must take notice to you, that by your 98th Instruction relating to appeals, the Councillors that are judges of a Court from whence an appeal shall be brought to you and the Council, are not to be admitted to vote upon the said appeal, but they are allow'd to be present at the hearing of such appeal, to give the reasons of the judgement given by them in the Court from whence the appeal is brought. Since the abovesaid Instruction has been thought necessary in relation to a Councillor who



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has been only a judge, the reason of the thing will be much stronger in the case of a Govr., who shall be both judge and party, in Chancery; and therefore, as the constant practice has been, and which you may much better know in Barbadoes, that the Councillors have always had their votes in all causes depending in the Courts of Chancery, we can't think it adviseable for you, to give your vote in any cause wherein you shall be either plaintiff or defendant, tho' you may hold the Court, and be present at the hearing. We are of opinion that by virtue of H.M. Instructions to you, you are to admit appeals, as well from the Court of Exchequer, as from other Courts in Barbadoes, which is plainly the intention of your Instructions, no appeal being directed to be allow'd from any Court to H.M., but from the Court of Chancery, which would have been provided for to have been from the Court of Exchequer to H.M. had not an appeal been intended to be first in the Chancery. We take notice of what you write in relation to the dispute between the Council and Assembly on occasion of the Excise Bill. We do not doubt that there are several persons in the Assembly, that wou'd be glad to make themselves independent on the Crown of Great Britain, but that they may be undeceiv'd, we desire you to acquaint the Assembly in case there be any dispute for the future, between them and the Council, about passing of money bills, that the Council have an equal right with them to alter or amend such bills; for the Council are empower'd thereto, and made part of the Legislative by H.M. Commission to you; and the Assembly cannot be elected nor sit as an Assembly, but by virtue of a clause in your sd. commission, whereby you are empower'd to call Assemblys etc. The Assembly's pretence therefore of having the sole power of making mony bills will never be allowed of here, it being an infringemt. of H.M. royal prerogative. And for your information, we think fit to acquaint you that the Assembly at New York had taken up a like pretence of not admitting the Council to amend mony bills, upon wch. dispute the Revenue Bill of that Province was lost, and tho' we had several times writ to the Govr. our thoughts and the consequences of the Assembly's assuming such a pretended right, they still persisted therein; whereupon H.M. directed us to prepare the drat. of a bill, to be pass'd by the parliament here for settling a Revenue at New York, which was accordingly done and we had H.M. directions to lay it before the House, but the parliamt. rising so soon after, there was not time to do it. However it is ready agst. the next session. As to the business of the ship *Oxford*, that matter was some while ago referr'd to us, and a day appointed for the hearing, but the parties not being ready, nothing has yet been done in it, nor do we know whether the petitioners will proceed any further therein. We take this occasion to assure you that in the case of the sd. ship, or any other wherein you may be concern'd, we shall do you justice, and shall not determine anything without hearing you or your agents thereupon. But we think ourselves oblig'd to take notice that we have seen your summons of April 27th to Mr. Skene, a copy whereof is here enclos'd, wherein you require him

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to answer not only for what he did at this Board, but for his petition to H.M. This is a very arbitrary proceeding in itself, and reflecting upon ye justice of this Board. And upon this occasion we must acquaint you, that the Queen expects obedience to her orders, and that if you continue to prosecute Mr. Skene, in so unjust a manner, we shall represent this matter as it deserves to H.M. P.S.—Since our writing of this, we have recd. your letter of May 20th last, which requires no answer. [*C.O.* 29, 13. *pp.* 67–73.]

July 20.  
Whitehal.

**413.** Council of Trade and Plantations to Governor Lord A. Hamilton. We have several of your Lordp's. letters unanswer'd occasioned by the long sitting of the parliament. In your answers (March 8 and May 15, 1711) to several articles of your Instructions we find that article which relates to the number of inhabitants *etc.*, not yet perfected and your Lordship's reasons for it, which we hope will likewise be transmitted when you have received the necessary informations. The duties upon prize goods was taken of, by a clause in an Act of Parliament begun in the House of Commons, and the taking up those bonds was laid before the House, but met with so many objections and obstructions that nothing is done in it this sessions. *Acknowledge letter etc.* of May 15. We recommend to your Lordship to require the officers from time to time to return to your Lordship surveys of the stores, which will be a means of preserving them and making them useful upon any occasion. Your Lordship can best judge what fortifications are necessary to be enlarg'd and repair'd and what mony the country are willing to furnish for their safety and convenience. *etc.* Your letter *etc.* of the 10th and 18th of Oct. 1712 gives us an evidence (that notwithstanding the great disadvantage you were under by reason of the hurricane) you took all possible care to prevent the mischief then threatn'd by the French. We have perused the Minutes of Council mention'd in your Lordship's letter, where we find enquiry made into the disorders committed by the privateers of Jamaica. The ending of the war will ease you of any farther trouble of that kind. We likewise find some difficulties did arise upon disputes between the sea officers and the inhabitants, which we hope the seasonable Proclamation, issued out by your Lordship and the succeeding Peace will entirely put an end to. Upon your Lordship's recommendation of Mr. Broderick (March 8th), we enter'd his name in our books as a fit person to fill the next vacancy in the Council. But Mr. Edlyne and Mr. Mumby having by their petition to H.M. in Council set forth their intentions of returning to their stations, and beg'd leave to stay till the Peace, there is yet no vacancy. The House of Commons hath voted a supply to H.M. for maintaining Her forces in the West Indies and America for six months from June 24th last: but had not time for passing any law for raising the same. When any mony is issued on that account, care will be taken that H.M. forces with you have their proportion for the present till it can be further consider'd, which we hope

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will be in settling three Independant Companies instead of the Regiment. With your Lordship's letter of Nov. 22. 1712. we receiv'd the accounts of the Revenue and commend your Lordship's great care in entring all those accounts in the Council books and transmitting them hither from time to time. We have sent the Acts mention'd in the inclosed list to Mr. Attorney General for his opinion in point of law, and so soon as we shall receive the same, we shall lay the said Acts before H.M. for Her pleasure thereupon. We have now receiv'd Mr. Attorney General's opinion upon the Act for *further quieting possessions*, which is by no means fit to be confirmed by H.M. for the reasons mention'd in his report, a copy whereof is here inclos'd. Upon which we must desire your Lordship to acquaint the first Assembly that shall sit after the receipt of this, with Mr. Attorney's objections, and that we will forbear at present laying this Act before H.M., that they may have an opportunity of passing another not lyable to such objections, and that in case they do not pass such a new act, we shall be oblig'd to lay this before H.M. for her disallowance. We have been attended by several merchants and planters in Jamaica in relation to the Act to *prevent any one person holding two or more offices of profit in Jamaica*, who have desired a further day to give their reasons for confirming the said Act, and we have also heard Mr. Rigby and some others against the same, so that in a short time it shall be dispatch'd, that there may be no room for such misrepresentations as came from Mr. Beckford. They have also inform'd us that they believe there are heirs of Williamina Kupius living, and have promised in a few days to give us some further light therein. The memorial concerning escheats with observations thereupon, being a matter of great nicety and tending to the alteration of one of the Instructions H.M. was pleas'd to make upon a complaint before Her, we have referr'd to the Attorney General and when we have his opinion thereupon we will lay that matter before the Queen and acquaint your Lordsp. with H.M. pleasure therein. We receiv'd your Lordship's letters of Dec. 12 and 18, 1712 and Jan. 3rd following. We find that upon all disputes between your Lordship and Rear Admiral, the Council and Assembly were entirely of your Lordship's opinion; recalling Sir H. Walker hath put an end to that matter in Jamaica; tho' my Lord Treasurer has transmitted your Lordship's letter *etc.*, to this Board, to be enquir'd into when there is a proper opportunity; but in the mean time we cannot but take notice of what the Council and Assembly have mention'd in their Address to your Lordship; that the permitting men of war to carry negroes and merchandizes must be very prejudicial to the fair traders and therefore we hope will be prevented for the future. We have likewise your Lordsp's. letters of March 5 and 13, 1713. Tho' your Lordship seems to doubt the allowing appeals from the Chancery to the Queen and Council, we cannot but think your Lordship took the right way in permitting them since they exceed the value of £500, your Instruction being general to allow all above that sum. [*C.O.* 138, 14. pp. 15-23.]



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July 21. **414.** Mr. Popple to Sir E. Northey. *Encloses*, for his opinion, Governor Lord A. Hamilton's observations upon escheats, *etc.* [C.O. 138, 14. pp. 23, 24.]  
Whitehal.
- July 21. **415.** H.M. Warrant to Capt. William Taverner to be "Surveyor of such part of the coast of Newfoundland, and the Islands adjacent as the French have usually fished upon and wherewith our subjects are at present unacquainted," *etc.* *Countersigned*, Bolingbroke. [C.O. 324, 33. p. 1.]  
Kensington.
- July 21. **416.** H.M. Instructions to Capt. William Taverner *as preceding*. *Signed*, A. R. [C.O. 324, 33. pp. 2, 3.]  
Kensington.
- July 22. **417.** H.M. Additional Instructions to Capt. Taverner. You are also to survey the adjacent islands proper for fishing, *etc.* And whereas we are informed that the French, as well from their settlements on Newfoundland, as from Canada, have driven a considerable trade with the nations of Indians inhabiting the aforesd. Island, by exchanging with them European goods and merchandizes for several kinds of furs and other commodities of the growth and product of Newfoundland, you are to use your utmost endeavours to gain the sd. trade to our subjects, and upon making the best enquirys you are able, you are to lay before us the most proper methods you can discover for effectually procuring and settling the same. *Signed*, A. R. [C.O. 324, 33. p. 4.]  
Kensington.
- July 22. **418.** Earl of Orkney to the Council of Trade and Plantations. *Reply to July 20. Recommends* Wm. Cock, Mr. Basset, and Archibald Blair for the Council of Virginia. *Signed*, Orkney. *Endorsed*, Reed. 22nd, Read 23rd July, 1713. 1 p. [C.O. 5, 1316. No. 95; and 5, 1363. p. 512.]
- [July 23.] **419.** John Marsh, Solicitor, to the Council of Trade and Plantations. Prays the Board's consideration of an Act of Barbados, 1712, to enable the executor of Joanna Parris, widow, to sell certain lands. *Signed*, John Marsh. *Endorsed*, Reed. Read July 23, 1713.  $\frac{1}{2}$  p. [C.O. 28, 14. No. 6.]
- July 23. **420.** Council of Trade and Plantations to Col. Lloyd, President of the Council of Maryland. Since our letter of the 14th instant, wee have looked back into wt. was writ you Oct. 26th, 1711, and find that there are some things in that letter, which remain yet unanswered, particularly the state of the Revenue. You tell us indeed in your answer to that letter that the accounts will be transmitted to Mr. Blathwayt; that is nothing to us, you are required by your instructions, to transmit those accounts to us half yearly or oftner, and therefore wee do expect that the same be punctually complied with. The other clauses unanswered are, that requiring an account of the strength of your neighbours, and what correspondence you had with ym.; the clause relating to the wants and defects of your Province. [C.O. 5, 727. p. 339.]  
Whitehall.

1713.  
July 23. **421.** Council of Trade and Plantations to Governor Lowther.  
Whitehall. We take notice in your letter of April 9, 1712, that you promis'd an answer to the letter writ you from this Board of Oct. 26, 1711, upon several clauses of your Instructions : But as we have not yet recd. such answer, we must remind you thereof, particularly of that Instruction which requires you to send to us the accounts of the Revenue of that Island. We shall therefore expect that you transmit to us by the first opportunity distinct answers to the sd. letter, it being absolutely necessary we be particularly inform'd of the state of Barbados, that we may be the better enabled, from time to time, to lay such representations before H.M. as shal be necessary. [*C.O.* 29, 13. *p.* 74.]

[July 23.] **422.** Planters and Merchants concerned in Jamaica to Council of Trade and Plantations. We do not know of any inconveniencys, nor are apprehensive of any, by reason of the execution of the offices of Secretary and Provost Marshall in the manner they have been executed for severall years past, *etc.* *Signed*, Cha. Long, Charles Kent, Jno. Lynch, John Moore, Tho. Freeman, Wm. Willard, Deane Poyntz, Wm. Wood, J. Ayscough. *Endorsed*, Recd. Read July 23, 1713. 1 *p.* [*C.O.* 137, 10. *No.* 20.]

[July 23.] **423.** Traders to Jamaica to the Council of Trade and Plantations. *Pray* for suspension of prosecution of plantation bonds for 18 months, in which time they will be able to obtain certificates of discharge of all ships at the ports they cleared for, except those lost or taken by the enemy, *etc.* *Signed*, Jedekiah Wyatt and 22 others. *Endorsed*, Recd. Read July 23, 1713. 1 *p.* [*C.O.* 137, 10. *No.* 21.]

July 24. **424.** Mr. Popple to Mr. Solicitor General. Encloses for his  
Whitehall. opinion Act of Barbados referred to in *No.* 419. [*C.O.* 29, 13. *pp.* 75, 76.]

July 24. **425.** Governor Nicholson to the Earl of Dartmouth. It  
Corke. was last night before I recd. your Lorpps. letter of the 13th inst. I hasten Capt. Wade all I can, but he tells me he can't saile untill next week for want of provisions *etc.* I beg that your Lordpp. would be pleased to order at least 1000 of H.M. most gracious speeches to the Lords and Commons of the 16th inst. to be dispersed on the Continent and Islands of H.M. Empire in North America, and please God I arrive at Boston I intend to have a good number of them printed and dispersed, *etc.* *Signed*, Fr. Nicholson. 1 $\frac{1}{4}$  *pp.* *Enclosed*,

425. i. Governor Nicholson to Capt. Wade, Cork, July 24, 1713. Encloses Lord Dartmouth's letter of July 13 and requests him to sail for Kingsaile for the cloaths *etc.* for the garrison of Placentia. *Signed*, Fr. Nicholson. *Copy.* 1 *p.* [*C.O.* 5, 9. *Nos.* 118, 119.]

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July 24.  
Whitehall.

**426.** Mr. Popple to Charles Carkesse. *Encloses* Governor Lord A. Hamilton's letter *etc.*, April 25th, and memorials relating to the prosecution of Plantation bonds, for the opinion of H.M. Commissioners of Customs thereupon. [*C.O.* 138, 14. *p.* 25.]

July 27.  
Whitehall.

**427.** Mr. Popple to Mr. Attorney General. *Encloses* copy of Governor Hunter's letter and queries relating to quit-rents, escheats and whale-fishery (June 11). "And because Col. Hunter apprehends H.M. prerogative is very much concerned in these matters, the Lords Commissioners for Trade and Plantations desire you will forthwith let them have your opinion upon them, that they may have an opportunity of representing to H.M., or writing to Col. Hunter, as ye case shall require, before they go down into ye country to their elections." [*C.O.* 5, 1123. *p.* 123.]

July 28.  
Whitehall.

**428.** Council of Trade and Plantations to the Queen. Recommend Wm. Cocke and Edmd. Berkley for the Council of Virginia (*v.* Feb. 11, July 22.) [*C.O.* 5, 1363. *p.* 513; and 5, 1335. *No.* 183.]

[July 28.]

**429.** Whitgift Aylmer, Francis March and Thomas Beckford to the Council of Trade and Plantations. Mr. Rigby was the person aimed at by the Act of Jamaica *for preventing any one person from holding two or more offices, etc.*, his practices having been for some years past such as disturb'd the quiet of the generality by exaction of extravagant fees, *etc.* Many of the original deeds of estates having been through course of time and the influences of that climate worn and defaced, and many others quite lost by the terrible earthquake, 1692, the great fire 1702, and the dreadfull hurricane 1712, and the publick records and enrollments of all deeds and conveyances made in 1671, 1672 having likewise been lost, the persons who have the imediat charge of some of the offices mentioned having the opportunity of searching into possible defects in rights to estates, and frequent experience had of many sinister uses made of the casual losing of deeds by pretended escheats *etc.*, has made such practice so insupportably vexatious, and grievous to the inhabitants, that that's the true cause of their having, all along, had so much at heart the passing of the Act *for the further quieting possessions etc.*, and not the pretended concealment of any estates wch. of right ought to belong to the Crown, as is without any just ground suggested in the state of the case now lying before your Lordps. and which we beleive was concerted by Mr. Rigby and Brodrick. As to the estate of Williamina Kupius it may be worth 5 or £6000, and an uncle and other relations of the said Williamina are living in Holland, *etc.* Signed, Thomas Beckford, Francis March, Whitgift Aylmer. *Endorsed*, Recd. Read July 28, 1713. 3½ *large pp.* [*C.O.* 137, 10. *No.* 22.]



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July 31.  
Whitehal.

**430.** Mr. Popple to Sir E. Northey. *Desires* his opinion in point of law as soon as possible upon the Act of Jamaica to prevent any one person from holding two or more offices, etc. [*C.O.* 138, 14. pp. 26, 27.]

July 31.  
Whitehal.

**431.** Mr. Popple to Major General Handasyd. *Desires* his opinion upon above Act, and the reasons which induced him to pass it. [*C.O.* 138, 14. pp. 27, 28.]

[Aug. 1st ?]

**432.** The Earl of Dartmouth to Governor Nicholson. It was very agreeable to the Queen to find by your letter of 24th past to me which I laid before Her that you were using all imaginable diligence to proceed to America. I have sent you enclosed half a dozen of H.M. Speeches [will] all the Stationers could furnish me with, the want of more will I hope be supply'd by the Press at Boston where you tell me you propose to reprint 'em, for I believe you judge very well that the publishing and dispersing of 'em thro'out the Continent of America will be for H.M. service. *Countersigned*, Dartmouth. [*C.O.* 324, 32. p. 229.]

Aug. 1.

**433.** H.M. warrant granting further leave of absence to William Sharpe for one year, he to continue one of the Council of Barbados meanwhile. *Countersigned*, Dartmouth. [*C.O.* 324, 32. pp. 228, 229.]

Aug. 3.  
Whitehall.

**434.** Mr. Popple to Sir Robt. Raymond, Solicitor General. I send you four bundles of Pennsylvania laws for your opinion thereupon in point of law as soon as conveniently may be. The reason for dispatch is, that by Mr. Penn's patent, he is allowed 5 years after the making of laws to transmit and deliver the same to H.M. Privy Council, but H.M. by the said patent is allowed but six months after the delivery of such laws as aforesd. to repeal any of them. And the inclosed laws, having been received from Mr. Penn the 22nd of the last month, I am commanded to acquaint you therewith, that the time for H.M. repealing any of them may not lapse. Among these laws there are several with the same titles as others that have been formerly repealed. I enclose representations of 1706–1711, with Mr. Attorney General's opinions, upon the said repealed Acts. *Annexed*,

434. i. List of 29 Acts of Pennsylvania, Oct. 14, 1708—June 7, 1712. [*C.O.* 5, 1292. pp. 389–393.]

Aug. 3.  
Whitehall.

**435.** *Same* to Wm. Borret, Solicitor of the Treasury. *Encloses above* Acts of Pennsylvania, etc. The Council of Trade and Plantations desire you would solicit the dispatch of Mr. Solr. Genl., etc. [*C.O.* 5, 1292. p. 393.]

Aug. 3.  
Jamaica.

**436.** Governor Lord A. Hamilton to the Council of Trade and Plantations. I received the 16th July your Lopps'. letter of May 8th, with the Queen's commands for publishing the Peace etc., which was done accordingly here the day following with the

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utmost joy and all due solemnity. *Acknowledges* letter of Aug. 17, 1712. In relation to Mr. Creagh, *I refer* your Lopps. to May 15th, 1712, with this further observation only, the seizure of Mr. Creagh's vessell being made by Mr. Littleton the evidences for the proof of his crime were allways in his possession, and upon notice given by me to Mr. Littleton that they were to be sent home together with Mr. Creagh. He undertook for that end to keep them in safe custody and at hand on board one of H.M. ships at that time under his command, but omitting to remove them upon his sending that ship to sea, put it out of my power to send them with Creagh as I intended, and it was at Creagh's own earnest and pressing solicitation he was sent home before the return of that ship; but Mr. Littleton having afterwards carried the said evidences along with him, I humbly hope has given H.M. as to my part in that affair intire satisfaction. *Encloses* Minutts of Council *etc.* *Signed*, A. Hamilton. *Endorsed*, Reed. Oct. 2, 1713, Read Jan. 19, 17<sup>13</sup><sub>14</sub>. 2<sup>1</sup><sub>2</sub> pp. *Enclosed*.

436. i. Receiver General's (James Knight) account of H.M. Revenue, Jamaica, Sept. 29, 1712—March 25, 1713. *Receipts*, £7445 19s. 2d. *Paid*, £4319 19s. 7d. *Owed*, £4794. *Audited* by Peter Heywood. *Endorsed*, Reed. Oct. 2, 1713. 3 pp. [*C.O.* 137, 10. Nos. 33, 33 i.; and (*without enclosures*) 138, 14. pp. 54, 55.]

Aug. 6.

**437.** Mr. Attorney General to the Council of Trade and Plantations. I am humbly of opinion that the Act to *prevent any one person from holding two or more offices of profit in Jamaica*, is not fit to have H.M. royal confirmation, it appearing to be designed onely for a particular purpose to deprive Mr. Rigby, Provost Marshall under Mr. Baker, of the deputation of the office of Secretary, (*held by him from Mr. Baker*), and for that both the said offices are held, and always have been so by vertue of H.M. Letters Patents, and are properly to be regulated by H.M. directions, and are not incompatible to be held and executed by the same person. Besides, the Act providing that no two offices of profit shall be held and enjoyed by one and the same person, is unreasonable, for that many single offices of that Island are not sufficient for the maintenance of one person, and where they are not incompatible there never was any law made before for restraining one person from having two, and the proviso in the Act is repugnant to the body of it, for that it allows any person to get by patent either from the Queen or the Governor as many offices as he can obtain, and thereby allows a man to have and execute more offices than one as Principal, but not as Deputy, which is a mere fancy, and shews the Act is of no other use, but to deprive Mr. Rigby of his deputation which Mr. Baker might lawfully make and he lawfully accept. *Signed*, Edw. Northey. *Endorsed*, Reed. Read Aug. 6th, 1713. 2<sup>1</sup><sub>4</sub> pp. [*C.O.* 137, 10. No. 24; and 138, 14. pp. 28—31.]

Aug. 6.  
Whitehal.

**438.** Council of Trade and Plantations to the Queen. Recommend disallowance of Act to *prevent any one person from*

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*holding two or more offices of profit in Jamaica, for reasons given in preceding.* [C.O. 138. 14. pp. 32-35.]

[Aug. 6.]

**439.** Planters and Merchants concerned in Jamaica to the Council of Trade and Plantations. We consider the *above* Act is for the general good of Jamaica, *etc.* Signed, Gilbert Heathcote and 17 others. Endorsed, Recd. Read Aug. 6th, 1713. 1 p. [C.O. 137, 10. No. 25.]

Aug. 6.  
Gayns.

**440.** Major General Handasyd to the Council of Trade and Plantations. *Reply to July 31st.* Refers to his letters and Minutes of Council and Assembly of Jamaica, 1711. The Act of Jamaica for preventing any one person *etc.* was lookt upon by everybody to be designed by ye then Assembly against Mr. Rigby, who did not execute his offices, but however was to be concluded by it. I did never approve the Act in my own judgment, and much less ye manner in which it was first brought upon ye stage, which was by tacking it to a mony bill, and which was carried in ye Assembly but by ye Speaker's voice, who was yn. Mr. Beckford. The same Assembly voted that they had a right of adjourning themselves as they thought fitt; and they were about yt. time in such heats, yt. I could not but be apprehensive yt. I should not be able to induce them to provide for ye Regiment, and other necessary supplies for ye Government, if I had not gratified them with this bill, and which ye Council as well as myself determin'd to do, provided they desisted from their pretence of tacking, and I thought it more for H.M. service to pass this bill att ye time, which would be afterwards submitted to H.M. pleasure to approve or disallow, then to dissolve ye Assembly, before ye Government was in some measure provided for, and which I immediately thought necessary afterwards, lest some few men who had often endeavoured to give disturbance to ye Government, and thought they had yn. got power into their hands, after their vote of adjourning, should make farther attempts upon H.M. royal prerogative. It was with ye unanimous advice of ye Council yt. I first admitted Mr. Rigby *etc.* I never heard any complaints against him, but think he deserved well of the Government on all occasions; and I am apt to beleive ye opposition he has met with, has been upon yt. account chiefly, *etc.* Signed, Tho. Handasyd. Endorsed, Recd. 10th, Read 11th Aug. 1713. Addressed. Postmark. 2 pp. [C.O. 137, 10. No. 26; and 138, 14. pp. 36-39.]

Aug. 6.

**441.** Mr. Attorney General to the Council of Trade and Plantations. In obedience to your Lordps.' commands, I have considered of the enclosed accot. of escheats with the Lord A. Hamilton's observations thereon, and I do most humbly certifie that by an Act passed Nov. 21, 1703, for raising a revenue to H.M. *etc.* it is provided that as well H.M. quit-rents fines forfeitures and escheats arising within the Island of Jamaica as the impost and revenue thereby granted shall be applied and appropriated to the support of the Government of that Island



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and the contingent charges thereof, and to no other use intent or purpose whatsoever, but not to lessen H.M. power of pardoning and remitting such fines and forfeitures, and £1250 thereof pr. ann. is appropriated for the fortifications. As to the new Instruction of Feb. 19, 1708<sup>8</sup> to the Governor restraining him from selling escheats till an account thereof shall be transmitted to Britain and directions recvd. from thence, I can not say anything concerning that complaint, which occasioned it, or how that complaint was supported, having no account of it, except what appears in the order, by which it appears to have arisen from persons, whose titles had been questioned on such writs of escheat and avoided, their complaints being as stated in that Order, that their titles to their lands and negroes had been so questioned, notwithstanding they had held and enjoyed the same many years, which if without title, as by the determinations on those writs it appears to have been, it was not a disturbance or oppression but a just prosecution for the rights of the Crown. Another greivance was that when the title of the Crown had been established, the escheated estates had been granted to the prosecutors and informers, which I think also not an objection, for they that had discovered the title of the Crown had reason to have a preference in purchasing the same, which could not by the Act mentioned in the state be for less than they were valued at by the jury finding the escheat. And in regard the profits of those escheats are by that Act (approved by H.M.) appropriated for supporting the Government of that Island, which by the representation is stated not to be sufficient for that purpose, I do not see any objection against altering that Instruction, and permitting the Governor to sell from time to time as he is allowed to do by that Act which hath been confirmed, he being satisfied that the value found is a reasonable value and remitting accounts thereof from time to time to H.M. *Signed*, Edw. Northey. *Endorsed*, Recd. 6th Aug. 1713, Read 28th Jan. 1714<sup>3</sup>. 14<sup>3</sup> pp. *Enclosed*,

441. i. An account of escheats in Jamaica with Governor Lord Archibald Hamilton's observations thereon. *Copy*. 25 pp. [C.O. 137, 10. Nos. 39, 40 ; and (without enclosure) 138, 14. pp. 67-69.]

Aug. 7.  
Whitehal.

442. Mr. Popple to Sir E. Northey. *Desires* his opinion in point of law upon the Act of Jamaica *declaring what persons shall be qualify'd to sit in Assembly*, etc. [C.O. 138, 14. p. 36.]

Aug. 7.  
Corke.

443. Governor Nicholson to the Earl of Dartmouth. *Encloses* receipts for letters left at Kinsale for Lt. Col. Moody. (v. July 11), etc. *Continues*:—We have had for tenn dayes past very stormy and rainy weather which to my great sorrow has hindred our saileing. I hope the weather is changed, soe yt. wee may saile, for it is a very great trouble to me that H.M. hath been at the charge of a mann of warr and of my commission for above six months and that wee have got noe farther, but I shall endeavour God willing to retrieve the time, by makeing all the dispatch possible, etc. I am heartily sorry that Col. Moody hath

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been detained soe long, for I fear that he will come late upon the coast of Newfoundland, and if the winter should sett in soon as sometimes it doth, that they will find it difficult to get to that countrey, therefore I hope he will make but very little stay here. I will endeavour what I can to meet him at Placentia, this winter after please God I have been at Annapolis Royall, etc. *Signed*, Fr. Nicholson.  $1\frac{1}{2}$  pp. *Enclosed*,

443. i., ii. Governor Nicholson's orders for clothes for the four Independent Companies at Placentia, Aug. 4, 1713.

443. iii., iv. John Netmaker's accounts etc. of above.

443. v., vi. Correspondence between Governor Nicholson and Col. Henry Hawley, Lt. Governor of Kinsale, relating to above and some deserters. 8 pp. *in all*.

443. vii. Col. Hawley's receipt for a letter to M. de Vaudreuil to be delivered to Col. Moody. Cork, July 30, 1713. *Copy*. 1 p. [*C.O.* 5, 9. Nos. 111, 112 i.-v., 120.]

Aug. 8. **444.** Order of Queen in Council. Repealing Act of Jamaica Hampton Court, to prevent any one person from holding two or more offices of profit in this Island. *Signed*, Christo. Musgrave. *Endorsed*, Recd. 14th Aug., Read 16th Dec., 1713.  $1\frac{1}{4}$  pp. [*C.O.* 137, 10. No. 32; and 138, 14. pp. 50, 51.]

Aug. 8. **445.** Order of Queen in Council. Referring following to the Hampton Court, Council of Trade and Plantations for their report. *Signed* Christo. Musgrave. *Endorsed*, Recd. Sept. 2, Read Nov. 26, 1713.  $1\frac{1}{4}$  pp. *Enclosed*,

445. i. Petition of Capt. Cyprian Southack to the Queen. Prays for payment of the *Province* galley for the expedition to Canada, etc. v. A.P.C. II. No. 1190. *Copy*.  $1\frac{3}{4}$  pp. [*C.O.* 5, 866. Nos. 8, 8 i.; and 5, 913. pp. 455-459.]

Aug. 8. **446.** Order of Queen in Council. Appointing Edmond Hampton Court, Berkley and William Cocke to the Council of Virginia. *Signed*, Christo. Musgrave. *Endorsed*, Recd. Sept. 30, 1713, Read June 7th, 1714.  $1\frac{1}{2}$  pp. [*C.O.* 5, 1316. No. 109; and 5, 1364. pp. 43, 44.]

Aug. 10. **447.** Governor Douglas to [? the Earl of Dartmouth]. I From Antigua, received H.M. orders to return forthwith to England, on the 7th instant, and am ready to obey all orders from H.M., and your Lordshipp, and design to embark in the first shipp for Great Brittain; my family is at this time very sickly, but that shall not delay my return. I wish I durst beseech your Lordshipp to suspend your censure of me, till I see my accusers face to face, and have an opportunity to justifie my conduct, for what won't those invent, that I have discharg'd of their places for mis-demeanors, what won't they say, that pretend to my post, and what may not I expect from those, that I have sent home to receive condign punishment for their treasons and murders? I am but

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too sensible, that they have informed the Lords of the Council of vast sums of mony that I have raised, but I hope to satisfie your Lordshipp, that I am as innocent as poor, for anything I have acquired in this part of the world. *Signed*, Walter Douglas. 1 p. [*C.O.* 7, 1. No. 22.]

Aug. 11.  
Treary.  
Chambers.

**448.** T. Harley to the Council of Trade and Plantations. Some of the disbanded officers and soldiers, who propose the making of a settlement in North America, having been before my Lord Treasurer., and offered to go and settle there in case they be paid a years pay according to the station they acted in when disbanded ; his Lordp. returns your former report *etc.*, and desires you will consider this affair upon the foot of the peticoners' last proposicon, *etc.* *Signed*, T. Harley. *Endorsed*, Recd. 13th, Read 14th Aug. 1713. 1 p. *Enclosed*,

448. i. Duplicate of Council of Trade's Report, July 13th.

448. ii. Memorial of disbanded officers to the Lord High Treasurer. "The memorialists having consider'd that going to Nova Scotia will be of farr greater advantage to the Govermt. then where before has been propos'd," offer to do so, with 500 privates, if one year's pay be advanced (£8362 17s. 10d.), and they be exported at H.M. charge with arms, ammunition and all manner of utensils fit for a plantation, and be granted 30,000 acres of land, *etc.* *Signed*, John Evance, Will. Bowen, John Lewis, Jno. Coleman, William Armstrong. *Endorsed*, R. July 24, 1713. 1 p.

448. iii.-v. Duplicates of disbanded soldiers' proposals to Council of Trade. [*C.O.* 217, 1. Nos. 10, 10 i.-v.; and (*without enclosures*) 218, 1. p. 80.]

Aug. 12.  
Whitehall.

**449.** The Earl of Dartmouth to the Council of Trade and Plantations. The Queen having been pleased to appoint Walter Hamilton Esq. to be Governor of the Leward Islands in the room of Colonell Douglass, you are to prepare his Commission and Instructions as usual. *Signed*, Dartmouth. *Endorsed*, Recd. Read 14th Aug., 1713. 1 p. [*C.O.* 152, 10. No. 6; and 153, 12. p. 104.]

Aug. 13.  
St. James's.

**450.** Warrant from the Lords Proprietors of Carolina to Francis Brooke, Surveyor General of North Carolina, to set out for Charles Eden, Governor of North Carolina, 1000 acres of land, with a quit-rent of 10 shil. a year. *Signed*, Beaufort, Carteret, Ful. Skipwith, M. Ashley, J. Colleton, J. Danson. [*C.O.* 5, 290. p. 67; and 5, 291. p. 29].

Aug. 13.  
St. James's.

**451.** Warrant from the Lords Proprietors of Carolina to Daniel Richardson, Receiver General of North Carolina, to pay to Governor Eden 300*l.* per annum current money by quarterly payments, as a salary, *etc.* *Signed as preceding*. [*C.O.* 5, 290. p. 68; and 5, 291. p. 30.]



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Aug. 16.  
Windsor Castle.

**452.** H.M. Warrant to Mr. Attorney or Solicitor General to prepare a bill for H.M. signature appointing William Forbes Provost Marshal General of Barbados, to enjoy the same by himself or his sufficient deputy or deputies (who shall be resident upon the said island and for whom he shall be answerable) during our pleasure with all fees etc. thereunto belonging in as full and ample a manner as Erasmus Lewis, *etc.*, and revoking the letters patents granted to Lewis, *etc.* [*C.O.* 324, 32. p. 230.]

Aug. 17.  
Virginia.

**453.** Lt. Governor Spotswood to the Council of Trade and Plantations. In pursuance of your Lordps'. commands of 8th May, I have appointed the tenth of next moneth for the solemn publication of the Peace throughout this Colony, and for a general thanksgiving for the same. I have also presum'd in conjunction with the Council to address H.M. on this happy occasion, *etc.*, and have desired Col. Blakiston our Agent to wait on your Lordps. for your directions in the manner of presenting it to H.M. Your Lordps. will observe that there are but six of the Council subscribing that Address ; occasioned by the absence of Col. Jenings and Col. Ludwell in England, and the remoteness of two others of that Board, who rarely attend except at General Courts and Assemblys. The small number to which the Council are now reduced will I hope prevail with your Lordps. to move H.M. to fill up the two vacancys, by restoring Coll. Bassett to his former rank at that Board (which hath hitherto hindered his acting in that station) and by adding Mr. William Cocke (the Secretary) according to my former recommendation. In a letter to your Lordps., March 6, 1710, soon after I had put in execution H.M. Instruction concerning the granting of land, I took the liberty to represent to your Lordps. the case of those who had taken up and surveyed land before the death of Governor Nott upon the faith of the Acts of Assembly, and the continued practice then in force, and before the alteration of the conditions of cultivation had been publicly notify'd, whose patents were stop'd upon a subsequent order. The pretensions of those persons being by that Proclamation reserved to them untill H.M. should signify Her pleasure upon what terms their land should be granted, I beg leave to renew my applications to your Lordps. in their behalf, not only in regard great part of such lands remain uncultivated for the benefite of the claimers but more especially that the quitters thereof are lost to H.M. untill patents are granted. I shal not here repeat what I formerly represented *etc.* ; but as I inform'd your Lordps. that even at that time, neither the claimers nor the quantity of land claim'd under that circumstance were considerable ; so I now assure your Lordps. both are much lessen'd since ; divers patents having been taken out for the same lands on the new terms ; and therefore I must again with all due submission, offer my opinion that the few that remain be gratify'd with patents upon the old terms of seating and planting. This favour if granted, will without much prejudice to H.M. intentions, be a great means to quiet the people in relation to the new tenure

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introduced by the late Instructions, and prevent that clamour and uneasiness which the populace are apt to fall into, from a reflection on private disappointments, without considering the publick benefite of the country intended thereby, of which they have but a remote and imperfect view. *Signed*, A. Spotswood. *Endorsed*, Recd. 5th Nov., 1713, Read 3rd May, 1716. 2 pp. *Enclosed*,

453. i. Address of the Lt. Governor and Council of Virginia to the Queen. We humbly beg leave to send from these distant parts of your Empire, unfeigned congratulations upon the conclusion of a glorious war, which your Majesty hath now crowned with an honourable and advantageous Peace. None of your Majesty's people can more truly rejoice at this happy Peace, than your Virginia subjects, who have of late years laboured under such discouragements in their only staple commodity, that nothing less than Peace, with your Majesty's compassionate regard to the trade and circumstances of this Colony can give them any hopes to repair what they have suffered during so long and burdensome a war. As this Government at present enjoys the happiness of a general calmness in men's minds here, we shall use our utmost endeavours to preserve the same, and whilst we are cultivating the arts of Peace, shall think it our bounden duty to pray for that sacred person who next under God procured us the blessing. Virginia, Aug. 12, 1713. *Signed*, A. Spotswood, Robert Carter, James Blair, Hen. Duke, John Smith, John Lewis, W. Byrd. *Same endorsement*. 1 p. [*C.O.* 5, 1317. *Nos.* 19, 19 i. : and (without enclosure) 5, 1364. pp. 272-276.]

Aug. 17.  
Custom ho.,  
Bristol.

454. Officers of the Custom House, Bristol, to the Council of Trade and Plantations. *Enclose following*. *Signed*, J. Reynardson, Jno. Elbridge. *Endorsed*, Recd. Aug. 21st, 1713, Read Feb. 9th, 1714. *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,

454. i. List of ships (3) cleared from Bristol, to the Fishery at Newfoundland. June 24, 1712-1713. 1 p. [*C.O.* 194, 5. *Nos.* 30, 30 i.]

Aug. 18.  
Whitehall.

455. Circular letter from the Earl of Dartmouth to the Governors of the Plantations, etc. H.M. having thought fitt to remove me from the office of Secretary of State in which I have had the honour to serve her above three years, and to constitute me Keeper of the Privy Seal, I think myself obliged before I leave this place to return you my hearty thanks for your regular correspondence, and to assure you that in every station of life, I shall unalterably be, Sr., your most humble servant, *Signed* D., C.P.S. [*C.O.* 324, 32. p. 231.]

Aug. 18.  
Whitehall.

456. *Same* to Governor Lord A. Hamilton. *Begins as preceding*. *Concludes* :—Notwithstanding the great difficulties which attend a Plantation Government, your Lordp. has carry'd yourself

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without reproach, and I have not heard the least complaint of your conduct in any respect. *etc.* Signed, Dartmouth, C.P.S. [C.O. 324, 32. p. 232.]

Aug. 19.

**457.** Mr. Solicitor General to the Council of Trade and Plantations. I have considered the Act of Barbados *to enable the executor of Joanna Parris to sell lands, etc.* (v. July 23, 24); and tho' this Act is not drawn as such Acts are usually drawn in England, such acts here usually vesting the lands in the person who is to sell, and this act only giving the party a power so to do, and tho' the sale is to be made by a feme covert, yet I take it it will be sufficient in an Act of Assembly, which is of the same effect there, as an Act of Parliamt. here; therefore I have no objection in point of law agt. H.M. confirming the said Act, *etc.* Signed, Rob. Raymond. Endorsed, Recd. Aug. 25, Read Oct. 15, 1713. 1 p. [C.O. 28, 14. No. 8; and 29, 13. pp. 77, 78.]

Aug. 19.  
Whitehall.

**458.** Council of Trade and Plantations to Governor Hunter. Enclose Attorney General's reports upon queries in letter of June 11th, *q.v.* [C.O. 5, 1123. p. 127.]

[Aug. 19.]

**459.** Disbanded Officers and Soldiers to the Council of Trade and Plantations. (*cf.* Aug. 11). New proposals for going to Nova Scotia at H.M. expense. Total, estimated cost, £15,957 9s. 10d. Endorsed, Recd. Read Aug. 19, 1713. 1 p. Enclosed,

459. i. Estimated cost of necessary utensils in detail. Total, (included in preceding estimate), £1699. 1 $\frac{3}{4}$  pp. [C.O. 217, 1. Nos. 11, 11 i.]

Aug. 20.  
Treary.  
Chambers.

**460.** T. Harley to the Council of Trade and Plantations. Encloses following, to be considered with papers sent on Aug. 11 *q.v.* Signed, T. Harley. Endorsed, Recd. 20th, Read 21st Aug. 1713.  $\frac{3}{4}$  p. Enclosed,

460. i. Thomas Coram to the Lord High Treasurer. The last time I had ye honour to speak to your Lordship, on behalf of ye disbanded soldiery, you were pleased to intimate yt. they could not agree among themselves; My Lord, they are all very desirous and unanimous to settle (if they might) ye waste land petitioned for, wch. would be of great importance to ye Crown as well as a general benefit, by increasing our Navigation and ye export of our woollen and other manufactures, and many other ways advantageous, as I am (wth. humble submission to better judgment) well assured, from ye experience I had ten years together in North America, where I went from hence a Faithful Factor for ye late Mr. Thomas Hunt, before he fell into his misfortunes, and for other principal merchants, to advance ye ship building in those parts. I being sensible how far H.M. waste lands there might be made advantageous to ye Crown and nation if settled in a right method by ye disbanded soldiery, who will otherwise be a burthen to



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this Kingdom, was thereby moved (and encouraged to it by General Nicholson) to set ym. upon petitioning H.M. for their being settled upon that part not yet inhabited, joyning on one side to New England, and on ye other side to Nova Scotia, which land to be settled is ye only part wanting to compleat ye settling H.M. Empire throughout on ye sea-coast fifteen hundred miles in length, and be one of ye glories of H.M. reign, by finishing that wch. was began in Queen Elizabeth's reign. The honble. Board of Trade and Plantations made a very favourable report to your Lordsp., for ye settling that land; but afterwards one or more of that Board objected against that settlement, on account of ye expence, and propos'd Nova Scotia. Upon which there were some amongst ye soldiers yt. were willing to go there for one year's pay, without any farther view than getting a present supply for their pressing necessities; That occasioned ye disagreement your Lordsp. spoke of; by reason it is not practicable for such indigent persons as they are to do ye Crown or themselves any real service upon that scheme; But such is their necessities, yt. they are willing to accept of anything to prevent starving; they, for ye most part, having no title to half-pay, nor hopes of any benefit from ye Act of Parliament lately made in favour of ye Soldiery. It was I, my Lord, yt. put these men upon petitioning for that settlement, and have for more than five months past, been at great pains, and some charges, to put ym. in a way yt. they and their posterity may be happy, and ye Crown and nation have an advantage from their being well settled, *etc.* There are enough of ym. to strengthen Nova Scotia, and to settle ye land petition'd for, which they would gladly have annexed to Nova Scotia, or put under ye Government of it. *Proposes that the Lord Treasurer should sanction a general collection of voluntary contributions for their settlement, as was granted for the Palatines, who were not in worse circumstances, than most of these disbanded soldiers, who faithfully served H.M. in ye war, etc.* I am assured by some persons of character there would be money enough given to settle all the distressed soldiers on the desired settlement without any charge to ye Crown. I most humbly beg leave to assure yr. Lordship it was with a design of doing good service to H.M., and for a general benefit, that I presumed to concern myself to promote this matter, and shall be glad to be an instrument of having that waste countrey settled with so many distressed families, comfortably provided for in it by ye fishery, and by their raising hemp and other naval stores we depend on from ye Northern kingdoms, in such a manner as may render Nova Scotia, with ye land petitioned for, ye most

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advantagious to Great Britain of any part of North America. A map whereof is now with me to shew (if your Lordship will permit) ye convenience and advantage of this opportunity to settle it, *etc.* *Signed*, Thomas Coram. *Endorsed*, to Commrs. for Trade. 2 large pp. [*C.O.* 217, 1. Nos. 12, 12 i.; and (*without enclosure*) 218, 1. p. 81.]

Aug. 21.  
Whitehall.

**461.** Council of Trade and Plantations to the Queen. *Enclose* draught of Commission and Instructions in the usual form, for Walter Hamilton to be Governor of the Leeward Islands. (*v.* Aug. 14). And whereas there are several vacancies in the Councils of the said Islands, by the death or removal of several of the members thereof to other places, vizt. at Nevis three, at St. Christors. five, at Antegoa one, and at Montserrat five we have left blanks in the said draught of Instructions for the names of such persons as your Majesty shall think fit to appoint, *etc.* *Recommend* for Nevis, Michael Williams, John Choppin, and Joseph Symonds; for St. Christophers, Ralph Willet, John Duport, Clemt. Crook, Wm. Woodrop, and John Garnet; for Antegoa, Tho. Williams; for Montserrat, Jno. Bramble, Anth. Ravell, Anth. Fox, Wm. White and James Crookshanks, clerk. *Mem.* The Commission and Instructions never passed. [*C.O.* 153, 12. pp. 105, 106.]

Aug. 21.

**462.** Lords Proprietors of Carolina to Ch. Harte. It being represented to us some time since that very great wrongs and injuries were done to us by the illegal and exorbitant grants of lands in our Province of South Carolina, whereby we were induc'd to issue out our orders, that no other land should be sold in that Colony but such as should be directed by our special warrants, sign'd at our Board in London, yet the inhabitants of our said Province having earnestly applied themselves to us that this our order might in some measure be repeal'd and revok'd, and we being willing to grant their request, and to give all due encouragement. to such persons as shall come to settle themselves in that part of our Province aforesaid. We do agree that the said order should be repeal'd, and we do hereby consent that warrants may be issued out of our Secretary's office in South Carolina, for the grant of lands according to the accustomed rates and usage of our said Province, provided that such grants shall not exceed 500 acres of land to any one purchaser, and that every 500 acres shall be rated proportionably to the value of £10 sterl. of the current money of Great Britain. *Mem.* The usual and accustomed chief rents, vizt. of 12 pence for every 100 acres of land which shall be sold, must be reserv'd to be yearly paid by the purchasers, to the Lords Proprietors, their heirs and assigns for ever. *Signed*, Beaufort, Carteret, M. Ashley, J. Colleton, J. Danson. [*C.O.* 5, 290. pp. 69, 70.]

Aug. 22.

**463.** Warrant from the Lords Proprietors of Carolina granting leave of absence to Nicholas Trott, Chief Justice of South

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Carolina, with full salary, the Governor to appoint a Judge of Common Pleas, *etc.* in his absence. *Signed*, Beaufort, Carteret, Ful. Skipwith, M. Ashley, J. Colleton, J. Danson. [*C.O.* 5, 290. *pp.* 70, 71.]

Aug. 24.  
Boston,  
New England.

**464.** Governor Dudley to the Council of Trade and Plantations. My last letters were 1st Dec., 1712, *etc.*, since which I have no commands from your Lordships. *Encloses* Acts, Minutes of Council, *etc.* *Continues*: These Provinces have been very happy in the Cessation lately publish'd by H.M. commands, and we are daily waiting H.M. order for the publication of the Peace, which her Majesty has so hapily brought to pass to the benifit of all Europe as well as all the provinces in America. Ever since the Cessation I have been solicited by all the Eastern Tribes of Indians to accept of their submission, and return to their obedience to H.M., which was performed twenty dayes since, the Sachems and delegates of the Indians attended me at Piscataqua, in Newhampshire, and acknowledged their breach of faith in their rebellion, and again renewed their assurances of obedience to H.M., and the Brittish Governments here. The articles are amongst the papers, and are humbly submitted to H.M. I am humbly wayting H.M. orders referring to the English prisoners yet left in Quebeck, and the French King's orders for their delivery to such persons as shall be sent from hence. I am fearfull it will come so late that I shall not be able to perform it this year, for that no vessell that goes from hence after the last of September will be able to return before winter, however I shall loose no time after I have the order. The Generall Assembly of both the Provinces have addressed H.M. upon the Peace and are sensible of H.M. princely regard to all Her good subjects in North America in securing Newfoundland, Nova Scotia, and the Bay of Fundet to the british interest. I humbly acquainted your Lordships some time since of the misunderstanding between Conecticut Colony, and this Province referring to the dividing line set in their grants from the Crown, and that Road Island Government had submitted to the line stated before their grant. Since which this present year in July last, the gentlemen in the Government off Conecticut Colony, have agreed the stating of the line between this Province, and themselves, and it is ended to mutuall satisfaction, and off record in both the Governments, which will take away the petty quarrels between the inhabitants dwelling close upon the dividing line, between the Governments, which has been troublesome heretofore. *Signed*, J. Dudley. *Endorsed*. Recd. 12th Nov., 1713, Read 25th June, 1718. 2 *pp.* *Enclosed*,

464. i. Copy of the agreement between the Commissioners of the Province of the Massachusetts Bay and the Colony of Conecticut, 13th July, 1713. (1) That the dividing line between the aforesaid Province and Colony take its commencement from the antient station of Woodward and Saffery, and that a west line be run from thence according to the direction in the Royal Charter to the



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late Colony of the Massachusetts Bay, which line so far as there are any settlements, is to be run adjusted and determined by suitable persons appointed by each Government for that purpose within the space of twelve months *etc.*, and afterwards to be further continued to the full extent as the Governments shall direct. (2) That the town of Woodstock granted 1683, laid out, planted and established by the Government of the Massachusetts, and at their very great cost and charge, defended thro' the course of a long destructive war; and the township of Symsbury granted in 1670, laid out planted and established by the Government of Connecticut, do remain entire to the respective Governments by which they were granted, both as to property and jurisdiction, notwithstanding any intersection that may be made in either of them by a new running or stating of the line. (3) That the interfering betwixt the towns of Symsbury and Suffield, upon the S.W. corner of Suffield be reformed and that the notch of land in the S.W. corner of Suffield of the content of about two mile and an half near on the square not allotted out or improved by Suffield, but under some improvement by Symsbury be accounted part of the said town of Symsbury. That a west northerly line be drawn from a large white oak markt tree standing on the bank of the west side of Connecticut River, two or three rods from the same, and about half a mile below the Island near the foot of the falls in the great river being the S.E. corner of Suffield bounds as formerly laid out vizt. 304 rod southward from the mouth of Stoney Brook, to extend to Symsbury easterly bounds, so as to fall 216 rod to the northward of the intersection of Suffield south line lately run by Messrs. Partridge Parsons and Porter with the easterly line of Symsbury. This to be the dividing line betwixt the town of Suffield to continue within the jurisdiction of the Massachusetts, and the town of Windsor to continue within the jurisdiction of Connecticut. And that for what land shall be wanting to make the town of Suffield six mile square an equivalent be made 'em according as is hereinafter agreed. (4) That the town of Enfield granted and established by the Government of the Massachusetts do entirely remain within the jurisdiction of that Government according to their grant *etc.* That the town of Windsor extend north to the bounds of Enfield. Fit persons to be appointed to run adjust and determine the lines between the aforesaid towns as is herein agreed, so always that in running the south line of Enfield its humbly proposed to the Honourable the Governor and Council of Connecticut to allow a favourable construction of the grant of Enfield to contain six miles in breadth, which if that cannot be obtained, then to be run upon a

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- straight line according to the general course of the river. That the several tracts of land lying near to, or bordering upon the line formerly granted and laid out to Joseph Dudley, William Stoughton, Robert Tompson, Esqrs., Sir Richard Saltonstall, Robert Saltonstall, John Pyncheon, Thomas Clark, Esqrs. Elisha Hutchinson, William Whiting Esqrs., and to other particular persons, by the respective Governments of the Massachusetts or Connecticut shall be held by such grantees respectively their heirs and assigns forever according to the priority of their grants altho upon the new running of the divisional line it shall appear any of the sd. lands lay not within the jurisdiction of the Government by whom granted ; and shall be confirmed to such grantees their heirs and assigns by the Governmt. within which they fall, that no persons be prejudiced in their improvements. Governors Dudley and Saltonstall and the present Commissioners to hear and determine any challenges by private persons made within the next twelvemonths, *etc.* Where any towns or particular persons by reason of any concessions herein made, or a new stating of the line, shall be cutt short or lessened in the quantity of their grants *etc.*, an equivalent shall be made of a like quantity of ungranted lands, *etc.* *Signed*, Elisha Hutchinson, Isa. Addington, William Pitkin, William Whiting. *Endorsed as preceding.* 6½ pp.
464. ii. Account of stores of war in H.M. Fort William and Mary, Newcastle in Newhampshire, 24th June, 1713. 1 p.
464. iii. Account of stores of war in New Hampshire 24th June, 1712–1713. 2 pp.
464. iv. Account of powder expended at Fort William and Mary, 24th June, 1712–1713. *Endorsed as letter.* ½ p.
464. v. Account of stores of war at H.M. Fort at Marblehead, New England, 24th June, 1713. *Endorsed as preceding.* 1 p.
464. vi. Account of powder expended at Marblehead, 24th June, 1712–1713. ½ p.
464. vii. Account of stores of war expended at Castle William, Boston, 24th June, 1712–1713. 1 p.
464. viii. Account of stores of war at Castle William, 24th June, 1713. 1 p.
464. ix. Account of stores of war at Fort Anne, Salem, 24th June, 1713. 1 p.
464. x. Proclamation by Governor Dudley, by and with the advice of the Representatives of the Massachusetts Bay, for the more strict observance of the Act for *ascertaining the rates and value of foreign coins within H.M. Plantations.* Boston, 8th Nov. 1712. *Signed*, J. Dudley. *Same endorsement.* *Printed by B. Green etc.* 1 p.
464. xi. Proclamation by Governor Dudley, with the advice of H.M. Council, for the arrest of deserters, and infliction

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of the utmost penalties on all who shall harbour them *etc.*, "H.M. fleet and forces being sail'd this day on the design'd expedition against Canada; and notwithstanding the warrants, proclamations *etc.*, there are several sailers, marines and souldiers of H.M. British troops that have deserted, not yet taken up" *etc.* Boston, 30th July, 1711. *Signed*, J. Dudley. *Printed as preceding*. 1 p.

464. xii. Proclamation by Governor Dudley, by and with the advice of the Council. Whereas Mary Nicholton, a servant woman in the family of Captain Thomas Matthews in Boston, was missing from her master's house for two days 17th Jan. last, and found murdered upon the flatts on the south side of King Street pier in Boston near the stern of the *Success* man of war *etc.*, and writing without name having been taken up in the street, intimating the writer's knowledge of the place where she was concealed, the writer of the said paper and all others who can give information are hereby directed to give information of what they know *etc.* 9th Feb. 1712, Roxbury. *Signed*, J. Dudley. *Printed as preceding*. 1 p. [*C.O.* 5, 866. Nos. 149, 149 i.-xii. : and (without enclosures) 5, 915. pp. 122-125.]

Aug. 24.  
Boston:

**465.** Mr. Addington to Mr. Popple. Encloses Journal of Assembly Aug.-Jan. 1712, Minutes of Council, June-Nov. 1712, and Acts *etc.* 1711-1713. *Continues* : H.M. Royall Proclamation for publishing the Peace, being newly arrived, was solemnly published here this day, with the usual acclamations and demonstrations of joy and firing, *etc.* *Signed*, Isa. Addington. *Endorsed*, Recd. 12th Nov., 1713. Read 25th June, 1718. 2 pp. [*C.O.* 5, 866. No. 150; and 5, 915. pp. 126, 127.]

Aug. 24.  
Boston,  
New England.

**466.** Governor Dudley to the Earl of Dartmouth. *Refers to letter of April 8th*, and "hopes of a perfect peace, which we are daily advised off by private letters, but yet want H.M. commands to make it publike, and demand our prisoners att Mr. Voderil hands yet remay[n]ing in Queebek and the French settlements in Canada. The Eastern tribes of the Indians have absolutely and intirely submitted themselves to H.M. disposall as by the inclosed articles your Lordship will see, which being an originall I humbly pray your Lordship may be seen by my Lord Treasurer, and it is as your Lordship will see in the last article intirely submitted to H.M. farther direction. Mr. Dummer presents your Lordship with the seal of the Indian articles. I have sent away out of these Goverments, every French man prisoner, or others that were delayed upon the account of the warr, and hope I shall obtain the English prisoners yet remayning in French hands, so soon as I have the French King's orders to Mr. Voderil to send with Commissioners from hence to receive them. The other papers from these Provinces are covered to the Board of Trade," *etc.* *Signed*, J. Dudley. 1 p. [*C.O.* 5, 751. No. 84.]



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**467.** *Enclosed in preceding :—*

The Submission and Agremt. of ye Eastern Indians, Portsmouth, New Hampshire, July 13, 1713. Whereas for some years last past wee have made a breach of our fidelity and loyalty to the Crown of Great Britaine and have made open rebellion against H.M. subjects the English inhabiting in ye Massachusets, New Hampsheire and other H.M. territories in New Engld., and being now sensible of ye miseries wch. we and our people are reduced unto thereby, we whose names are hereunto subscribed, being delegates of all the Indians belonging to Norrigawake, Narakamegoock, Amasaconteog, Pigwocket, Penecook, and to all other Indian Plantations, scituate on the rivers of St. Johns Penobscot, Kenybeck, Amascogen, Saco and Merimack and all other Indian Plantations lying between the sd. rivers of St. Johns, and Merimack, parts of H.M. Provinces of the Massachts. and New Hampshire within H.M. sovereignty, haveing made application to H. E. Joseph Dudley Esq. Captn. Generll. and Governor in chief in and over the sd. Provinces, that the troubles, wch. we have unhappily raised, or occasioned agt. Her Majties. sd. subjects ye English. and ourselv's may cease and have an end, and yt. wee may againe enjoy H.M. grace and favor, and each of uss respectively, for ourselves and in ye name and wth. ye free consent of all the Indians, belonging to ye severall rivers and places afforesd. and all other Indians wthin. ye said Provinces of and from Merrimack River unto the most easternmost bounds of the said Provinces of ye Massach. Bay and New Hampshire, hereby acknowledging ourselv's the lawfull subjects of our Soveraign Lady Queen Anne. and promising our hearty subjection and obedience unto the Crown of Great Britaine, doe solemnly Covenant promise and agree. to and wth. the sd. Joseph Dudley Esq. Governr., and all such as shall hereafter be in the place of Captn. Generll. and Govor. in chief of ye. sd. Provinces or Territories on H.M. behalfe in manner following, that is to say, that at all times for ever from and after ye date of these presents : we will cease and forbear all acts of hostility towards all the subjects of the Crown of Great Britaine and not offer the least hurt, or violence to them or any of them in their psons or estates, but will henceforward hold and maintaine a firm and constant amity and friendship wth. all the English and will never entertaine any treasonable conspiracy wth. any other nation to their disturbance. That H.M. subjects the English shall and may peaceably and quietly enter upon improve and for ever enjoy all and singular their rights of land and former settlements, properties and possessions within the Eastern parts of the said Provinces of ye Massachts. Bay and New Hampshire, together wth. all Islands, Islets, Shores, Beaches and Fishery within the same without any molestation or claime by us or any other Indians, and be in no waies molested interrupted or disturbed therein : Saveing unto the said Indians their own grounds and free liberty of hunting, fishing, fowling and all other their lawfull liberties and priveledges as on the eleventh day of August in the yeare of our lord God one thousand six hundred and ninety three. That for mutuall safety

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and benifit. all trade and commerce which hereafter may be allow'd betwixt the English and Indians shal be only in such places and under such mannagmt. and regulations as shall be stated by H.M. Govermts. of the sd. Provinces, respectively. And to prevent mischiefs and inconveniencies : the Indians shall not be allowed for the present : and untill they have liberty from the respective Governmts. to come neare to any English Plantations or Settlemts. on this side Saco River. That if any controversie or difference at any time hereafter happen to arise betwixt any of the English or Indians for any real or supposed wrong or injury don on the one side or the other, no private revenge shall be taken by the Indians for the same, but proper application shall be made to H.M. Governmt. upon the place for remedy thereof, in due course of Justice, we hereby submitting ourselv's to be ruled and governed by H.M. laws and desier to have the protection and benefit of the same. We confess that wee have contrary to all faith and justice broken our Articles with Sr. Wm. Phips Governor made in the yeare of our Ld. God 1693, and wth. the Earl of Bellomont Governor made in the yeare of our Lord God 1699. And the assurance we gave to H.E. Joseph Dudley Esq. Governor in ye year's of our lord God 1702 : in the month of August : and 1703, in the month of July notwithstanding wee have been well treated by the said Governors : and we resolve for the future not to be drawn into any perfidious treaty or corespondence to the hurt of any the subjects of Her Majtie the Queen of Great Britaine, and if wee know of any such we will seasonably reveal it to the English. Wherefore we whose names are hereunto subscribed, delegates for the severall tribes of the Indians belonging unto the river of Kenybeck, Amaras-cogen, St. Johns Saco and Merrimack and parts adjacent being sensible of our great offence and folly in not complying with the aforesd. submissions and agreemts. and also of the sufferings and mischiefs that we have thereby exposed ourselves unto do in all humble and submissive manner cast our selves upon Her Majties. mercy for the pardon of all our past rebellions, hostilities and violations of our promises : praying to be received unto Her Majties. grace and protection. And for and on behalfe of our selves and of all other the Indians belonging to the severall rivers and places aforesaid within the sovereignty of Her Majtie. of Great Britaine do again acknowledge and profess our hearty and sincere obedience unto the Crown of Great Britaine : And do solemnly renew ratify and confirme all and every of these articles and agrements. contained in the former and present submissions. This treaty to be humbly laid before her Majtie. for her ratification and further order. In wittness whereof we the Delegates aforesaid by name Kireberuit : Iteansis and Jackoit for Penobscut : Josep and Eneas for St. Johns : Waracansit, Wedaranaquin and Bommoscen for Kennebeck : have hereunto set our hands and seals the day and yeare first above written. Signed sealed and delivered in the presence of J. Redknap and 44 others. *The Indians' signatures are accompanied by seals and totem marks and are as above except that Kireberuit appears as Qualebenewet.*

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*Present*; H. E. Joseph Dudley, *Councillors of Massachusetts*:—Samuel Sewall, Jona. Corwin, Pen. Townsend, John Appleton, John Higgenson, Andrew Belcher, Thomas Noyes, Saml. Appleton, Ichobud Plaisted, John Wheelwright, Benja. Lynde. *Councillors of New Hampshire*:—Wm. Vaughun, Peter Coffin, Robert Elliot, Richd. Waldron, Nathl. Wyer, Saml. Penhallow, John Plaisted, Mark Hunching, John Wentworth. *Addressed*. “For the Earl of Dartmouth.” *Endorsed*, In Mr. Dudley’s of 24th Augt. 1713. 3½ large pp. [*C.O.* 5, 931. *No.* 10.]

Aug. 25.  
Boston,  
New England.

**468.** Governor Dudley to Mr. Popple. While I am sealing my letters very hapily I have receiv’d from New York a packett etc. commanding the Proclamation of the Peace etc. It has been accordingly performed with all possible solemnity, and to the universall joy and satisfaction of all H.M. good subjects etc. *Signed*, J. Dudley. *Endorsed*, Recd. 12th Nov. 1713, Read 25th June, 1718. ¾ p. *Enclosed*,

468. i. Copy of the Boston News-Letter, Aug. 24–31, 1713, giving an account of the Proclamation and acclamation of the Peace. *Printed*. 2 pp. [*C.O.* 5, 866. *Nos.* 151, 151 i.; and (without enclosure) 5, 915. pp. 127, 128.]

Sept. 3.

**469.** R. Shelton to Governor Craven. The public business having call’d some of the Lords Proprietors out of the town, their Lordships commanded me to inform you that they have directed warrants for the sale of land to be issued out of the Secretary’s office etc. (v. Aug. 21). They further herewith send you the proclamation for publishing the peace concluded between H.M. and the French King, upon the receipt whereof you are forthwith to cause the same to be publish’d in the usual places of your Colony under their Lordships’ government, and that you give notice to all privateers and commanders of ships within your Province to ceas hostilities with the French King’s subjects, according to the tenor of the said proclamation. *Encloses* letter from the Board of Trade (? Aug. 27) about sending prisoners with evidence from the Plantations. *Refers* to warrant for Mr. Trott’s leave of absence. (Aug. 22.) As to the letter their Lordships receiv’d from you and the Council, relating to the boundaries between South and North Carolina, their Lordships took that business into their consideration, but thought it a matter of such consequence, that it requir’d to be more maturely consider’d of, and therefore adjourn’d it for that time. I shall take care to lay it before their Lordships at their next meeting, and shall endeavor all I can to have a determination of that matter in your favor. *Signed*, R. Shelton. [*C.O.* 5, 290. pp. 71–73.]

Sept. 8.  
Windsor Castle.

**470.** Lord Bolingbroke to Lt. Governor Moody. I hardly expect that this letter should come to your hands while in England, but will not however neglect to acknowledge yours of Aug. 20th. Tho’ the order for the surrender of Placentia be directed to the Marquis de Vaudreuil, who as Governor of Canada is the



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proper officer, yet we never made the least doubt but that notice hereof had been sent from France in time, to prevent any dispute. A memorial received a few days since from the Duke D'Aumont, gives indeed some reason to apprehend the contrary. He pretends that the French at Placentia cannot remove till next spring, nor the place be by consequence till then evacuated. Should this be so, the difficultys you foresaw would arise, and H.M. must in this case depend on your discretion to conduct things, and to manage the officers of the French King, so, as to fall on some expedient wh. may secure the intents of the Treaty, and answer H.M. expectations. I have heard that there are several habitations, and a pretty large Colony, round the fortress of Placentia. If so, it naturally offers itself, since the sovereignty is the Queen's, that the military power be yeilded to you, that you take immediate possession of the forts with the Queen's troops, and that those of France continue, till the season shall permit them to leave the Island, in the adjacent dwellings. During this interval of time, you will I am sure, by a strict discipline and by the best regulations you can make, prevent all manner of disorder, or surprize. I have nothing more to add, but my sincere wishes that you may have a prosperous and successful voyage, *etc.* Signed, Bolingbroke. [C.O. 324, 33. pp. 5 and 2 (a).]

Sept. 10.  
New York.

**471.** Governor Hunter to Mr. Popple. I shall not trouble their Lordps. with much by this doubtfull conveyance (ye *Drake*) only begg that you'l inform them, that I believe there was an omission in ye pardon of ye negroes, for besides ye three which H.M. has been pleased to pardon, there were other two vizt. Tom a negroe belonging to Rip Van Dam Esq., and Coffee a negroe belonging to Mr. Walton, who were recommended by ye Bench itselfe as proper objects of mercey there being noe manner of convinceing evidence against them and nothing but ye blind fury of a people much provoked cold have condemned them, they lye still in prison. In mine of June 23, 1712, I gave their Lordps. an account of their case and ye inducements for mercey, soe I humbly intreat their Lordps. would please to recommend them to 't. There is likewise a negroe woman who was indeed privy to ye conspiracy but pleading her belley was reprevied. She is since delivered but in a wofull condition ever since, and I think has suffered more than death by her long imprisonment. If their Lordps. think fitt to include her, I should be pleased, for there has beene much blood shed already on that account, I'm afraid too much, and the people are now easey. The Five Nations are hardly to be dissuaded from sheltring ye Tuscarora Indians, which would imbroil us all. I have sent some men of note with them to dissuade them, but I am not able to furnish out of my own pockett the presents they expect upon all such occasions, and there is noe fond for it here. By a ship (the *Hunter's* prize formerly *Sweepstakes*) bound for England in ten days, I shall write more fully to their Lordps. Our Assembly here meet ye first of October to as little purpose I believe as formerly; that in ye Jerseys ye 2nd of November, which will doe their duties I make noe doubt

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notwithstanding ye impotent efforts of an arrogant party. P.S. I have reced. their Lordps.' letter of May 8th by ye way of Virginia. The peace was accordingly published here with ye usual solemnities on ye 18th of August last. *Signed*, Ro. Hunter. *Endorsed*, Recd. Jan. 15, 171<sup>13</sup>/<sub>4</sub>, Read June 21st, 1715. *Addressed*. 1<sup>3</sup>/<sub>4</sub> pp. *Enclosed*,

471. i. An Ordinance for regulating and establishing fees. New York, Oct. 19, 1710. *Signed* by the Governor in Council, R. Hunter. *Endorsed as preceding*. *Printed*. 20 pp. [C.O. 5, 1050. Nos. 81, 81 i.; and (without enclosure) 5, 1123. pp. 274, 275.]

Sept. 10.  
New York.

**472.** Governor Hunter to the Earl of Dartmouth. Encloses following. *Signed*, Ro. Hunter. *Holograph*. 1 p. *Enclosed*,  
472. i. Duplicate of No. 471. [C.O. 5, 1085. Nos. 15, 15 i.]

Sept. 14.  
Virginia.

**473.** Lt. Governor Spotswood to the Council of Trade and Plantations. It is chiefly to accompany the inclosed representation from the body of the Council of this Colony that I do myself the honour of writing to your Lordps. at present; the declining circumstances of this country for some years past occasioned by the low value of their tobacco, would have prevailed both with the Council and Assembly to make representations of this nature long ago, had they not been diverted from it by perswading them to wait till the war should be ended; but the late advices they recieved from their correspondents that the merchants in this trade had (with H.M. leave) applied to the Parliament for a moderation of the high dutys, have prompted the Council to the resolution no longer to delay setting forth to your Lordps. the miserys to which the country is reduced; and as I hope there is nothing in this representation undutifull to H.M. or disagreeable to your Lordps., so I hope you will not judge it either impertinent or improper for me, if (being so earnestly solicited as your Lordps. will observe by the copy of the inclosed Address) I recommend this matter to your Lordps'. favour, as well in regard I am perfectly convinced of the truth of many of the matters of fact represented, as in consideration of the prejudice which will arise to H.M. service and the trade of Great Brittain, if the people of this country compelled by necessity should abandon the tobacco trade and apply themselves to other manufactures, etc. Finding that several persons have kept possession of lands by virtue of entrys and surveys without takeing out patents or paying the quit-rents, and that by the practice of this country such entrys are construed to give a title so as to exclude any other person from taking up the same land; and observing also that divers tracts of land fallen to H.M. by right of escheat are possessed without taking out patents or paying the composition due for the same; I have with the advice of the Council issued a proclamation requiring both those who hold new land, and those who possess escheated land, to sue out grants within a short time limited, or otherwise that their lands shall be disposed of to others; this has had so good an effect that above 100 patents for new taken up land have been

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bespoke within this month since the proclamation was issued ; and people who have possessed escheated lands for many years, without a title have also applied themselves for grants. In the same proclamation, I have enjoined all persons desiring grants of escheated lands to survey the same before they obtain patents : against which regulation divers applications have been made to me under pretence of the charge of surveying : but considering the true reason of this objection doth not proceed from the charge (which is inconsiderable) but from the restraint on fraudulent practices, I shall not give way thereto. For by the former method of passing away escheated lands, the grants were not made according to the true quantity, but according to what the petitioner thought fitt to suggest, and people finding how easily they could defraud the Crown with a double advantage to themselves, both in the payment of the composition and of the quit-rents, have made use of that licence with great freedom, and thereby obtained much larger quantitys of land than are expressed in their grants, which cannot now be remedied because tho the true quantity hath been concealed, the grant is made for all that the former Patentee held within his ancient bounds. Having on former occasions, and more particularly in my last letter represented to your Lordps. the case of those people who entered for and surveyed lands before the death of Governor Nott, with my humble opinion that grants of such lands be allowed, according to the Acts of Assembly then in force, I shall only beg leave to explain myself that I did not intend thereby the conditions of seating and planting mentioned in the Act passed in 1666, but that in 1705, except only where the entrys were made before the passing of this last Act, which are not above two or three ; your Lordps. will be pleased to consider that however the Governor might be mistaken in passing that last law, yet by the constitution of this Government it remained a law to the subject, untill it was formally repealed and how much clamour it will occasion among the people, if that to which they concieve they have a right by a positive law should be denied them : besides the difficulty in which the Governor must be involved (if any case under this circumstance should come before the General Court) in giving his judgment between an Instruction and a law, wherein tho his own reason may incline him for the former, yet every member having an equal vote, their oaths (being to judge according to law) will carry the judgment for the latter. Since the South Carolina Indians dispersed the Tuscaruros, these have settled themselves near our frontiers : and it is believed are joined by some of the Northern Nations, from whence frequent incursions have been made and divers murders lately committed which hath exceedingly alarmed the people, and induced sundry of the owners of remote plantations to withdraw their familys and stocks : for preventing of which, besides that I formerly mentioned to your Lordps., I have ordered out divers partys in search of those Indians, but without any effect, occasioned partly by the unwillingness of the people to march far from their homes, but principally from the inexperience and want of conduct in the



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officers, of which there is not one in this whole Colony that ever hath been in any imployment or action in an army, so that I am obliged now to undertake an expedition in person, and intend to take with me 200 volunteers out of the Militia of the countys most apprehensive of the danger (for those that are far enough from it are little inclined to adventure themselves) and with this force and our tributary Indians either endeavour to bring those Indians to a secure peace or to drive them further from our frontiers. I hope the encouragements of 12d. a day pay together with provisions and ammunition and the conveniency of tents, which I have already provided, and with the concurrence of the Council resolved to defray out of the £1000 given by the Assembly for the relief of North Carolina, will obtain the small number of men I desire, especially when joined with the advantage of taking prisoners, in case I'm obliged to declare war, which the Council have unanimously advised me to do, if the Indians refuse to submit to a peace. The death of several of the Council and the absence of others having reduced the number under nine, and some even of those infirm and unable to attend I have been obliged to make use of the power granted me by H.M. Instructions to fill up the vacancy by calling to that Board Dr. William Cocke, *etc.* The difficulty of getting together on a sudden emergency a sufficient number of the present Council, because of the remoteness of their dwellings, and the little choice there is of persons fitt to be added makes me the more earnest for the admission of Col. Bassett in his former rank at that Board, which hath hitherto hindered his being sworn. Here are many instances where the like favour hath been granted to others, some of which I mentioned May 8, 1712, and shall now only add one more to wit the case of Coll. Richard Lee, which differs only from this, that he quitted at the Revolution upon a scruple of taking the oaths, and Col. Bassett declined because he was apprehensive his health would not permitt him to attend that service : yet when the former had overcome his scruples he was admitted again in his first station. And since Col. Bassett has always shewed himself well affected to the Government, and is a gentleman of as fair a character and of as plentiful an estate as any in the country I hope your Lordps. will judge him worthy of the same favour as others have had, especially when his entering again into publick business, is occasioned more through my importunity in regard of the want of persons of his character to serve H.M., than any ambition of his own, tho I cannot press him to submit to an inferior rank than what he hath formerly held. In my letter of Dec. 15, 1710, I gave your Lordps. a large account of the inconveniencies, which the people here labour under by the unequal division of the countys and parishes, and the difficulty of remedying the same by the Assemblys, with the doubt I had whether that matter were proper for their cognizance tho it is a power they have constantly exercised, upon which I should be glad to receive some direction, for as these inconveniencies are still increasing, and that I perceive the people will be contented from what authority soever their redress comes, so I am far from seeking to increase the power

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of the Governor, unless it shall be thought more agreeable to H.M. service that the distribution of the people into countys and parishes be made by him rather than by Act of Assembly. And tho by perusing the Records of this country I am the more perswaded that many things have heretofore been permitted to be treated in the Assemblys, which would not have been allowed of in England, and that this regulation of countys and parishes may be made with less partiality by the Governor, yet I am unwilling to introduce an innovation from the ancient practice without H.M. particular directions or your Lordps'. approbation. *Signed*, A. Spotswood. *Endorsed*, Recd. Read Jan. 7th, 171 $\frac{3}{4}$ .

4 $\frac{3}{4}$  pp. *Enclosed*.

473. i. Address of the Council of Virginia to Lt. Governor Spotswood, Sept. 11, 1713. *Pray the Governor to support their following Representation.* *Signed*, Robert Carter, John Custis, James Blair, Hen. Duke, John Smith, John Lewis, W. Byrd, Will. Fitzhugh, Wm. Cocke. *Endorsed*, Recd. Jan. 8th, 171 $\frac{3}{4}$ . 1 $\frac{3}{4}$  pp.

473. ii. Council of Virginia to the Council of Trade and Plantations, Sept. 11, 1713. Many of the disadvantages which the tobacco trade hath for some years laboured under have been sufficiently made out of late by the merchants in England, but it is more properly our part to represent the unhappy effects upon this Colony. It is hardly possible to imagine a more miserable spectacle than the poorer sort of inhabitants, whose labour has not for several years afforded them cloathing to shelter them from the violent colds as well as heats to which this climate is subject. The importation of British manufactures and other European commoditys by the merchants, whereby in former times the planters were plentifully supplied with cloathing, *etc.* in exchange for their tobacco is now in a manner wholly left off, and the small supplys which some merchants yet adventure sold at such prodigious rates as they please to put thereon, whereby many familys formerly decently clothed and their houses well furnished are now reduced to rags and all the visible marks of poverty. The credit of the merchants and more considerable planters, which seven years ago was as flourishing as any other of H.M. plantations is now sunk to an incredible degree: those who either by their own industry had acquired, or from the more prosperous fortune of their ancestors received considerable estates, have instead of improving thereof in the way of the tobacco trade, by a continued decay of that commodity, so far involved themselves in debt, that they have now little left but the melancholy prospect of their ruined posterity. A large stock of negroes heretofore accounted the chief riches of this Colony, has only contributed to the more speedy undoing of their owners, for he who has made the best crops of tobacco has but the more effectually

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diminished his estate, while that commodity has served only to bring him in debt besides the entire loss of his principal adventure: so that the bills of exchange of many considerable planters and traders which some years ago were as of good credit as any in H.M. plantations will not now pass for the smallest sums, *etc.* It will not appear so strange that many have left off planting as that there should be any yet so daring as to prosecute a trade which brings in nothing but ruine. Had these calamitys been occasioned only by the accidents of war, or the variableness of trade in markets, we should silently wait for better times. But there are many reasons that induce us to believe that the calamitys attending this trade will not wear off without great assistance from the Government. The dutys are now so high that the people of this country who commonly import the tobacco at their own risque into Great Brittain, have neither money enough of their own nor credit to take up on interest so much as is necessary for defraying so large an expence, and the greatest part of the merchants to whom we are obliged to entrust the sale of our tobaccos are likewise unable to comply with those high duties, their necessitys for money to discharge their bonds at the Custom house forcing them to part with our tobacco at such low rates as barely pay the dutys, freights, their own commission and other charges, and very often the consigner is brought in debt even for a great part of these, *etc.* The new invented method of makeing the ships storehouses and charging 2s. a hhd. for every month the tobacco is on board is owing to the same want of money to discharge the dutys, and a heavy burden upon our trade, *etc.* Many frauds in running tobacco without paying the dutys, to the ruine of fair traders, is likewise owing to the high dutys, *etc.* Since the whole dutys were transferred to the importer, the merchants charge commission on the full sales, *etc.* Hence many planters have taken to the manufactures of cotton, flax and hemp. *Pray* that the duties may be moderated and charged on the consumptioner (or retailer) and not on the importer, and that all frauds be discouraged, and for that end all damaged tobacco which pays no duty to the Queen, nor yields any profite to the importer be destroyed, so that it may not be shipped off, to recover a drawback and then be relanded by sinister means, *etc.* *Signed,* Robert Carter, Jno. Custis, James Blair, Hen. Duke, Wm. Cocke, John Smith, John Lewis, Will. Fitzhugh. *Endorsed,* Recd. Read Jan. 7th, 17<sup>13</sup><sub>14</sub>. 5 pp. [*C.O.* 5, 1316. Nos. 100, 100 i., ii.: *and (without enclosures)* 5, 1364. pp. 5-14.]

Sept. 15. **474.** Memorandum of a new Commission for Trade and Plantations. [*C.O.* 389, 37. p. 63.]



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**475.** Rev. Saml. Beresford to the Council of Trade and Plantations. The great goodnes and indulgence wherewith your Lordships have receiv'd my former addresses in our late Governor's time upon my suspension from H.M. Council, give me ye confidence again of approaching to your Lordships on ye same occasion. Mr. Lowther has suspended me from ye Council, giving for reason thereof my marrying a gentleman here without his lycence, *etc.* I acknowledg I ought to have had ye parent's consent for his son's marriage ; but I had ye young lady's consent, wch. is most material ; and besides there's nothing more common here, than for old, covetous fathers to seem to deny their approbation, for no other cause, but that they may avoid being oblig'd to provide for them, and this was very likely to be ye case here ; and I was made very sure yt. his opposition would continue no longer, than till they were married ; besides I knew how ye father had encouraged ye conversation between his son and ye gentlewoman, and had married his only daughter to her brother but a little before. So yt. indeed there's no more in it, but having been bred a Presbyterian he's willing to shew a spite. The Governour has instigated him to petition against me to give him an opportunity of removing one from the Council, who would never give in to his measures, yt. so he might ye better carry on his designs by gaining a majority of his own creatures in ye Council ; I humbly conceive, I have good reason to say this ; because, there were two bills (one to keep inviolate ye freedom of elections, ye other appointing an agent, and private committee of correspondence) wch. the Assembly had pass'd to serve their turns, wch. ye majority of ye Council opposed, and therefore he was forc't, ye better to carry his point to call a Council, to meet within five hours after ye date of ye summons, (when some of ye members live at 12 and 14 miles distance) where were present none but his own 5 creatures, who pass'd ye same. The gentleman I married is above 23 years of age, and has been trader (on his own account) and been in employments out of his father's jurisdiction for some years ; and on many reasons wch. may not be proper to offer to your Lordships, solicited me to marry him, which I did, purely to prevent ye inconveniencys he lay under, and not for any advantage to myself, *etc.* I was forc't to trouble you, since the Governour has inflicted a secular punishment upon me for an ecclesiastical offence, if any there be. *Signed*, Saml. Beresford. *Endorsed*, Recd. Nov. 11, Read Jan. 21, 17<sup>13</sup>/<sub>14</sub>. 3 pp. [*C.O.* 28, 14. No. 9 ; and 29, 13. pp. 80-84.]

Sept. 21.  
Treary.  
Chambers.

**476.** Mr. Lowndes to Mr. Popple. *Encloses following.* The Lord High Treasurer requests that the Council of Trade and Plantations will consider not only this petition but the whole matter relating to that part of St. Christophers which was lately in the hands of the French and report what they conceive to be most for H.M. advantage in the managing and settling the revenues which may arise from the same. *Signed*, Wm. Lowndes. *Endorsed*, Recd. 21st Sept. 1713, Read 23rd March, 17<sup>13</sup>/<sub>14</sub>. 1 p. *Enclosed*,

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476. i. Petition of Capt. William Stephenson, Commander of H.M.S. *Jolly*, to the Lord High Treasurer. *Prays* for H.M. confirmation of a grant of a plantation made by Governor Douglass to petitioner, in the French part of St. Christophers. 1 p.
476. ii. Governor Douglas' grant of land *referred to in preceding*. "for three years with an equitable title to H.M. bounty for the same in case the whole Island should remaine unto H.M. upon the next Treaty of Peace," etc. May 22, 1713. *Signed*, Walter Douglas. 1 p. [*C.O.* 152, 10. Nos. 13, 13 i., ii.]

[Sept. 24.]

**477.** Petition of Thomas Bernard to the Council of Trade and Plantations. Petitioner, who has a considerable estate in that Island, prays to be appointed to the Council of Jamaica, Charles Long and Edmund Edlyn having been many years absent without H.M. licence etc. *Endorsed*, Recd. 24th, Read 25th Sept., 1713. 2 pp. [*C.O.* 137, 10. No. 27; and 138, 14. p. 40.]

Sept. 24.  
Whitehal.

**478.** Lord Bolingbroke to the Council of Trade and Plantations. *Encloses following* for their report. "that I may lay ye same before H.M. on Sunday next." *Signed*, Bolingbroke. *Endorsed*, Recd. 24th, Read 25th Sept. 1713. 1 p. *Enclosed*,

478. i. Petition of Jeremy Dummer, Agent for the Massachusetts Bay and Connecticut, to the Queen. Several of the ships of the said Governments have been captured by Spanish privateers after the suspension of arms took place, as they were lading salt at Tertuda, on a pretence that that Island do's belong to the Crown of Spain. Your Majesty's subjects have ever believ'd it to be free and common as the ocean, it having never been inhabited nor is it capable of it, inasmuch as the whole Island is either rock or barren sand, and has no fresh water on it. Your Majesty's American subjects on the Continent have in all times past supply'd themselves there with very near all the salt they expend in saving their provisions, and especially in curing their fish, which is the principal branch of their returns to Great Britain for the woollen and other manufactures they purchase here. If they are debarr'd fetching salt from thence, they will not only be oblig'd to pay exorbitant rates for it at the Dutch Plantation of Curaco, but the very being of their fishery will entirely depend on the favour of the Dutch. They are the only sufferers, no other nation, not even the Spaniards themselves, ever fetch salt from thence. *Prays* H.M. to secure for her subjects free access to Tertuda. *Signed*, Jer. Dummer. 1 p. [*C.O.* 5, 866. Nos. 6, 6 i.; and 5, 913. pp. 451-453.]

Sept. 25.  
Bermuda.

**479.** Capt. Bennett to the Council of Trade and Plantations. Having considered what may attend me when succeeded by Capt. Pulleyne, doe pray leave to acquaint and address your Lordps.,

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that this Governmt. is on several accounts indebted to me in a considerable summe, the particulars of which I cannot yet ascertain, having not received my brother Sir John Bennett's charge of postage of letters and packets, and other disbursemts. (which he placed to my acct.) from 1702, since which time he has transacted for the country (by their repeated request) in their cause and disputes between Mr. Jones and them: and understanding said Jones is coming with my successor, and concluding he will insinuate all he can to prevent justice being done me, doe therefore most humbly entreat your Lordps.' insinuations on Capt. Pulleyne, that he as soon as may be call the Assembly together and sincerely and heartily recommend to them that measures may be taken to answer my just demands (the Treasury being low) and if in case Jones does not come with the Governor, I still beg the same favour of your Lordps., least the Assembly (to save mony) will not enter into consideration of anything but what is earnestly proposed by him, *etc.* *Signed*, Ben. Bennett. *Endorsed*, Reed. Jan. 5, Read Aug. 30, 1714. 1 $\frac{3}{4}$  pp. [C.O. 37, 9. No. 31: and 38. 7. pp. 195-197.]

Sept. 25.  
Whitehall.

**480.** Lord Bolingbroke to Lt. Governor Moody. The Duke D'Aumont having some time ago delivered a memorial, setting forth that the new settlemt. wh. the French are making upon Cap Breton, would not be in a condition to receive the troops wh. are now in Placentia, and therefore that the place could not be evacuated, till spring, I dispatched a letter to Ireland, *etc.* (v. Sept. 8), and writ at the same time to Mr. Prior to represent to the Court of France, that the Treaty positively stipulates the delivery of the place within seven months from the exchange of the ratifications, that they might if they had pleased, at the same time as they sent a fregat to take measures for establishing a new colony at Cap Breton have dispatched such orders as were necessary to be given for punctually fulfilling this article of the Treaty, and what inconveniencys you and the troops under your command must be exposed to, if at this season of the year the Governor should refuse you admittance. In answer to this, I have received a letter from Mr. Prior, accompanied with the most Xtian King's orders to Monsr. Costebelle, for the immediate surrender of Placentia, all which are herewith transmitted to you. You will observe, Sr., that the King's orders are positive, and unconditional, and you will therefore take possession of the forts and places that are now in the hands of the French, in as full and ample manner as is intended by the Treaty. But his most Xtian Majesty having desired, that the Queen would be pleased to permit his troops, and other subjects, inhabiting on Newfoundland, to continue there this winter, H.M. considering that it may be impracticable, so late in the year, to remove them to Canada, or any new settlemt. wh. the French may intend to make, has thought fit to consent hereunto. You are therefore to dispose them in those places where they will give least annoyance to the Queen's troops and to use your best endeavours to prevent, by a strict discipline, all manner of disorder, insinuating



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if you find it proper, to them, that their being permitted to stay on the Island, is only a courtesy, and the effect of H.M. goodness. As there are no doubt several persons who have been employed by the French in their fishing, and on other services, and who may be usefull hereafter to the Brittish subjects inhabiting on Newfoundland, I beleive I need not give you a hint of taking all proper methods to induce them to continue there, tho' it is certain we have no right to detain them, if they resolve to leave. *Signed, Bolingbroke. Enclosed.*

480. i. Matthew Prior to Lord Bolingbroke. Fontainebleau, Sept.  $\frac{29}{18}$ , 1713. In obedience to your Lops.' commands of the 8th inst. O.S. I laid before Monsr. de Torcy the contents of the Duke D'Aumont's Memoriall, accompanied by another from myself, of wch. I send your Lop. a copy ; both wch. Monsr. Torcy having represented to the King, I am enabled to send your Lop. this order from the King and instruction from Monsr. Pontchartrain to the Governor of Placentia for the surrender of that fort and place. The order your Lop. sees is pure and unconditional, as the Article requires, and as we would have it. The French troops at Placentia cannot be transported to Canada or Cap Breton before the next spring, there being no place yet ready in the latter of these Colonies to receive them. The King therefore desires of the Queen that which by your Lops.' letter I perceive will not be refused, that the troops and other inhabitants may stay this ensuing winter at Placentia. But as the order is unconditional (as I just now observed) and the Article executed, so this permission on H.M. side is only to be looked upon as a favour and the effect of her goodness. Whether the troops remaining still there proceeds from a neglect in Monsr. Pontchartrain, or that Monsr. Desmarck (wch. now he obliquely, insinuates) has not enabled him to remove them, it avails not to determine. The Duke D'Aumont's memorial came out of his quiver, as you suspect, and whence we shall never find any arrow pointed with justice or wing'd with honour. Even these three last days while this affair has been before the King, Monsr. Torcy and myself have received twenty cross conundrums and odd propositions from him upon that subject. To prevent all misunderstanding therefore that may happen from any former order he may have sent, Monsr. Torcy desires (supposing that H.M. thinks it reasonable that the troops should stay) that by the same conveyance by wch. your Lop. sends this order to Col. Moody (wch. I beleive you will do without any loss of time) you will likewise add H.M. pleasure as to the troops and inhabitants, which together with their own King's order will serve as a rule to those who command there ; and likewise that you will send back a messenger hither, wth. a copy of such H.M. direction, that this

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Court may likewise forward it to their people at Placentia by the way that they may judge most proper. As to the latter part of the Duke D'Aumont's Memorial that the French should fish this next year in all the harbours in the Island, Monsr. Torcy was really ashamed of the proposition, and I can assure you the King in Council never gave such order to the Duke D'Aumont (however this must not be said). This too was a refinement of Monsr. Pontchartrain, who I believe has done himself no good in his master's favour by these wise and honourable strokes of ministry. I have answered the first part of the Duke D'Aumont's Memorial, by telling Monsr. de Torcy that your Lop. has writ to the Governor of Dunkirk to take care that what may be found there belonging to his most Xtian Majty. shall be consigned to his officers; the King is informed thereof, and satisfied as to that point. I write this letter without cypher, Barton bringing the packet. *Signed, M. Prior. Copy.*

480. ii. Matthew Prior to Monsr. de Torcy. Fontainebleau, Sept. 26th, (N.S.) 1713. The Queen has commanded me to convey to the King, that it is with the utmost surprise that Her Majesty finds that the least difficulty is being made with regard to the cession of the town and fort of Placentia, and without entering into a particular discussion of what is formally stipulated on this subject in Article 13 of the Treaty of Peace, that the Most Christian King will cause to be delivered to those who shall be there for that purpose within the space of seven months from the day of the exchange of ratifications of the Treaty and sooner if it can be done the town and fort of Placentia and other places which the French might still possess in the said Island; and without repeating the explanations, which have already been agreed upon between their Majesties' ministers, the Queen orders me to acquaint the King that the officers and troops destined to take possession of the place were to sail from Ireland Aug. 20th last, and ought therefore to arrive in Newfoundland before the beginning of the winter. Whereupon Her Majesty is entirely convinced that the King will please to dispatch to the Commander of the fort or other His officers at Placentia without any loss of time the necessary orders for the evacuation of the fort and the surrender of the place. This will prevent any inconvenience which might otherwise arise in the execution of the Queen's commands, and She will receive it as a fresh indication of the good faith with which the King has acted during the whole course of this negotiation, and of the friendship which the Queen designs to cultivate and ever to increase with His Majesty. *Signed, Matt. Prior. French. Copy.*
480. iii. M. de Pontchartrain to M. de Costebelle, Governor

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of Placentia. Fontainebleau, Sept. 29 (N.S.), 1713. *Encloses* the French King's order to surrender immediately the fort and town of Placentia and other places in Newfoundland held by the French according to the 13th Article of the Treaty of Peace, etc. *Signed*, Pontchartrain. *French. Copy.*

480. iv. Order of the King of France that M. de Costebelle, surrender Placentia *as preceding*. Fontainebleau, Sept. 29 (N.S.) 1713. *Signed*, Louis. *Directed to Mr. Phelypeaux, Governor of Canada. French. Copy.*

480. v. Copy of the 13th Article of the Treaty of Utrecht, April 11, 1713. *French.* [C.O. 324, 33. pp. 4a, 5a-12.]

Oct. 1.  
Windsor.

**481.** Order of Queen in Council. Referring enclosed to the Council of Trade and Plantations for their report. *Signed*, John Povey. *Endorsed*, Recd. 22nd Oct., Read 4th Nov. 1713. 1 p. *Enclosed*,

481. i. Petition of Godart and Johanna Kupius, widow, and others to the Queen. Petitioners are the surviving brother and sister of William Kupius, decd. On behalf of themselves and the children and widow of other brothers decd., they petition for the estate left by William Kupius in Jamaica, of which several persons have taken possession on pretence that it is escheated to H.M., William's two children having died intestate and without issue.

Kupius was induced to go to Jamaica by the Act for encouraging the settling Jamaica and was naturalized there. By the strict laws of your Majesty's Kingdom petitioners, who are all Protestants and subjects of the States General, may not have any method to recover the aforesaid estate, but pray for H.M. relief, the rather since by the laws of the Island great numbers of aliens born, and most of them Jews, are possessed of plantations and other freeholds there, etc. *Copy.* 3 $\frac{1}{4}$  pp. [C.O. 137, 10. Nos. 28, 28 i.; and 138, 14. pp. 43-48.]

Oct. 6.

**482.** Mr. Heysham to the Council of Trade and Plantations. I am directed from Barbadoes to lay before your Lordships, that of late rumm, suger, and mollasses hath been imported to New England and other northern Collonies from Surranam, which if not timely prevented may prove fatall to H.M. suger Plantations in America and greatly discourage the trade and navigation of Great Brittain, Surranam being a large Collony and the land new and fertile, they can make and vend sugars much cheaper then any of H.M. Plantations. This humbly craves your Lordships' speediest assistance to prevent the growing evill. *Signed*, Wm. Heysham. *Endorsed*, Recd. Read Oct. 6, 1713. 3 $\frac{3}{4}$  p. [C.O. 28, 14. No. 7; and 29, 13. pp. 76, 77.]

Oct. 10.  
St. Johns.

**483.** Archibald Cumings to the Council of Trade and Plantations. The fishery this year has proved very indifferent,



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not above 150 quintals per boat, *etc.* Fish proved dear being sold at 17s. per quintal. It lays under many disadvantages for want of a Comodore earlier to distribute justice, several rocks were pillaged in July when the fishery not above half over to the intire ruine of such planter, the fishery and discouragement to trade in generall being practised by the Comders. of ships and most of the Admirals of the harbours. Trade in generall has lyen under severall difficulties this year and in all likelihood to grow worse if not speedily prevented by having this country colonized and made a Plantation as the others are with a regular Government. The Acts of Trade are very much broke here and a great deall of illegall trade carried on from Europe hither and from hence to the other Plantations, *etc.* *Signed*, Archd. Cumings. *Endorsed*, Recd. 6th, Read 17th March, 171 $\frac{3}{4}$ . *Addressed*.  $\frac{3}{4}$  p. [*C.O.* 194, 5. No. 34; and 195, 5. pp. 335, 336.]

Oct. 13.

**484.** Jeremy Dummer to the Council of Trade and Plantations. *Elaborates memorial* of Sept. 24th relating to Tertudas. Near 100 English sail go there yearly. The Spaniards have no occupancy there at all, and even if they have a title to the Island, we have a right to go there for trade by the Treaties of 1667, and 1670, *etc.* *Signed*, Jer. Dummer. *Endorsed*, Recd. Read Oct. 13, 1713. 3 pp. *Enclosed*.

484. i. Declaration of James Atchison, Oct. 1713. I was at Tartudas 24 years ago. There was no inhabitants, fort or warehouse there. *Signed*, James Atchison. 1 p.

484. ii. Declaration of Daniel Updicke, London, Oct. 7, 1713. I was at the Island of Tortugas commonly called by the English Saltertudos about 37 years agoe to load salt, and saw no fort, warehouse or inhabitants there, nor do I think there ever was. *Signed*, Danl. Updicke. 1 p.

484. iii. Declaration of Henry Sherburne, London, Oct. 6, 1713. Confirms preceding on voyages 17 and 10 years ago. *Signed*, Henry Sherburne.  $\frac{1}{2}$  p.

484. iv. Declaration of John Sunderland, London, Oct. 6, 1713. Confirms preceding on 6 voyages from 22 years to 12 months ago. *Signed*, John Sunderland.  $\frac{1}{2}$  p.

484. v. Declaration of Saml. Payn, London, Oct. 6, 1713. Confirms preceding on 6 voyages from 18 years ago. *Signed*, Saml. Payn.  $\frac{3}{4}$  p.

484. vi. Declaration of Thomas Temple, London, Oct. 7, 1713. Confirms preceding on a voyage 26 years ago. *Signed*, Tho. Temple.  $\frac{1}{2}$  p.

484. vii. Declaration of William Keech, Oct. 1713. Confirms preceding on voyage about 50 years ago. *Signed*, Wm. Keech.  $\frac{1}{2}$  p. [*C.O.* 5, 866. Nos. 7, 7 i.-vii.]

Oct. 16.  
Whitehal.

**485.** Council of Trade and Plantations to the Queen. *Recommend* for H.M. confirmation Act of Barbados enabling the executor of Mrs. Parris *etc.* (v. Aug. 19). [*C.O.* 29, 13. pp. 79, 80.]

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Oct. 16.  
Whitehal.

**486.** Council of Trade and Plantations to the Queen. It having been found very prejudicial to the Government in your Majesty's Plantations, that Councillors shou'd absent themselves from the Councils, thereby frequently hindering the dispatch of public business for want of a quorum; *quote* H.M. Instruction *thereupon*, and *recommend* Thomas Bernard for the Council of Jamaica in the room of Charles Long (v. Sept. 24). [C.O. 138, 14. pp. 41, 42.]

Oct. 19.  
Whitehall.

**487.** Mr. Secretary, Lord Bolingbroke to Governor Lowther. Since the promotion of the Earl of Dartmouth to the office of Lord Privy Seal, I have been directed by H.M. to take care of the affairs of the Southern Province, and am therefore to desire you will please to correspond with me in whatever relates to the Island under your Government. I am sorry upon my entrance into the business of this Department to find complaints from some of the patent officers concerning hardships put upon them, whereas I observe by the 50th article of your Instructions that you are directed by the Queen to countenance them and to give them all due encouragement. But I am more particularly surprized to understand that an Act has been offered you by the Assembly, which is highly prejudicial to several of the patent officers in their legal and accustomed fees, priviledges and emoluments and tends to subject their places to the disposal of the Governor in case of any misbehaviour. This is a proceeding so plainly contrary to the true meaning of your Instruction which I mentioned before, that I perswade myself you will not give the least countenance to it. You will easily imagine that the Queen cannot but disapprove with resentment any act of her subjects which shall pretend to displace officers appointed under her Great Seal without H.M. knowledge or consent, and I therefore hope to hear soon from you, that you have taken due care to discourage any such attempts upon the Queen's honour and authority. Upon this head of patent officers, I must recommend to you in a particular manner Mr. Lewis who has the Queen's commission to be Provost Marshal General of Barbados; I need not mention to you H.M. letters of leave dispensing with his residence in the Island *etc.*, since I understand that they are registred there. Wherefore I do not doubt but that you will both in obedience to H.M. commands and in justice to a gentleman who is employed in a post of trust here, take effectual care that he receive no prejudice in his office under your Government. *Signed*, Bolingbroke. *Copy.* 1½ pp. [C.O. 28, 43. No. 88; and 324, 33. pp. 15, 17.]

Oct. 19.  
Windsor.

**488.** H.M. Warrant to Governor Lowther for granting Alexander Skeene, Secretary of Barbados, leave of absence for six months. *Countersigned*, Bolingbroke. [C.O. 324, 33. pp. 13, 14.]

Oct. 19.  
Windsor  
Castle.

**489.** Lord Bolingbroke to Governor Lord A. Hamilton. Upon the promotion of the Earl of Dartmouth to the office of Privy Seal, and of Mr. Bromley to that of Secry. of State, H.M. has

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thought fit that I should take upon me the care of the Southern Province with the West Indies. you will therefore please for the future to transmit to me accounts of what may occur in your parts relating to H.M. service, and the benefit of the Governmt. under your care, that I may lay the same before the Queen in order to receive her directions thereupon. *Signed*, Bolingbroke. The like letter to the other Governors of Plantations. [C.O. 324, 33. pp. 17, 18.]

Oct. 25.  
Windsor.

**490.** Order of Queen in Council. Approving representation of 16th inst. and appointing Thomas Bernard to the Council of Jamaica in the room of Charles Long who has been many years in this Kingdome without H.M. licence for his absence. *Signed*, Ja. Vernon. *Endorsed*, Reed. Read June 24, 1715. 1½ pp. [C.O. 137, 10. No. 76 ; and 138, 14. pp. 334, 335.]

Oct. 26.  
Windsor  
Castle.

**491.** H.M. Warrant appointing Thomas Bernard to the Council of Jamaica. *Signed*, W. Bromley. [C.O. 324, 33. pp. 18, 19.]

Oct. 27.  
Jamaica.

**492.** Governor Lord A. Hamilton to the Council of Trade and Plantations. I have not received any commands from your Lopps. since yours of May 8th, *etc.* What I have now most material to trouble your Lopps. with, is to give some account of our last short but very unsuccessfull session of Assembly. The Assembly stood prorogued to Sept. 24th when it was intended they should meet the supplies for ye support of the Government expireing ye last day of October. But an unforeseen accident falling in ye way by a remonstrance of one David Pughs, lately a member of Assembly and expell'd not being duly qualify'd, being presented to myself and ye Council importing a charge against Mr. Brodrick H.M. Attorney General and Speaker of ye Assembly, I did thereupon with ye unanimous advice of the Council prorogue ye Assembly to Oct. 1st, in order to Mr. Pughes having time to make good his said charge, in each article of which he having intirely fail'd (*v.* Minutes of Council) the Assembly mett accordingly Oct. 1st. Your Lopps. will observe in ye Minutts of the Assembly ye Speech I made to them at ye opening of ye Session. Their first proceedings began with divisions, ye factious party in ye House, with ye gentlemen at their head of whom I have given your Lopps. formerly a character indeavouring to postpone the consideration of the Speech and indeed to obstruct all bussiness. The popular arguments and clamour was made against a standing army in time of peace being imposed on them (as some of them were pleased to term H.M. Regiment as it now stands reduced to 300 men) when in fact nothing more was proposed then the usual quartering and subsistance from the country they have allways had, till H.M. pleasure concerning them should be known, which they were given to understand I daily expected. However on these unreasonable pretences, on reading ye Bill for that purpose ye first time they fell into ye greatest heats, when in truth ye real ground of difference was



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personall picques and animositys, and the partys present in ye House being so equall, that several questions were carried by the Speaker's vote only, after which so many members absenting themselves from the service of the House there could not be a quorum of well disposed members to make a House, and it having been represented to me by the Speaker and several members, that they apprehended violence and the greatest disorders, should the absent members again return to ye House, or if they did not, not having a quorum without them to adjourn, without a prorogation the House fell ; under this delemma I immediatly call'd a Council, and upon mature deliberation of the present temper of the House, and of the little probability of their comming to a better, by the unanimous advice of ye Council I thought it best to dissolve them immediatly by Proclamation ; and it was likewise resolved that writts should forthwith issue for calling a new Assembly the 26th of November nixt which was accordingly ordered. I have no reason to belive that these violent proceedings are agreeable to ye general sence of the country, and I am very hopefull a new Assembly will show more duty and gratitude to H.M. for ye protection their country has had, and particularly by this Regiment obtain'd at their own request. In ye mean time I waite with ye most longing expectations imaginable the honour of receiving by your Lopps. before the time of ye meeting of ye new Assembly H.M. pleasure relateing to ye Regiment ; for I'm perswaded when that is known all due obedience and submission will be pay'd thereto. I took ye liberty in my letter, Oct. 10, 1712, humbly to offer my thoughts and apprehensions of the dangers and inconveniencies of leaving this Island, even in time of peace, altogether unprovided of a regular standing force, to garison the fortifications, *etc.* If any thing like what I had ye honour to hint should be resolved on, I'm perswaded the country will cheerfully go into it, notwithstanding ye factious indeavours of a few, who have never been satisfy'd with any Government ; a seed brought here with ye first settlers that has never been intirely rooted out. I must pray your Lopps.' indulgence writt in some hurry, *etc.* I shall conclude only mentioning two particulars which were industriously made use of to foment and increase the heats in ye Assembly, one was their not having any accots. of the bills past here and remitted home for H.M. confirmation, and particularly the bill for quieting possessions, which they have so much at heart. The other handle that was made use of on this occasion, was ye calamity that at that time was fallen on the country by a strong south wind which indamaged their caines and corn, and allmost intirely ruined ye planting walkes, especially on ye north side and leward parts of ye Island which had sufferd least by ye last years hurrican. These things were aggravated and indeed contributed something to ye disorders that have happened. P.S.—Just as I had ended my letter, by a London ship arrived, I receiv'd your Lopps.' of July 15th *etc.* Nothing can be a greater satisfaction and encouragement to me in ye discharge of my duty then to find your Lopps. are pleased to honour me with your approbation, *etc.* I hope you will excuse

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me in not answering it now as I ought the ship by which this comes being just upon sailing, I was not willing to stop her. I shall punctually comply with what your Loppes. require in relation to ye Act for quieting possessions as soon as ye Assembly meets. *Signed*, A. Hamilton. *Endorsed*, Recd. 28th Dec. 1713, Read 19th Jan. 17<sup>1</sup><sub>4</sub>. 7 pp. [*C.O.* 137, 10. No. 35; and 138, 14. pp. 56-62.]

Oct. 28.  
Treary.  
Chambers.

**493.** Mr. Lowndes to the Council of Trade and Plantations. The persons who have obtained debentures from you towards repairing their losses in Nevis and St. Christophers having petitioned my Lord Treasurer that their said debentures, which amount to 97,936*l.* 17*s.* 2*d.* may be admitted to be subscribed into the South Sea Stock according to the direcons of the Acts of Parliament in that behalfe, his Lordship desires that the several requisites to be performed by those Acts before the peticoners could entitle themselves to debentures may be layd before him, and that you will let him know by what sort of evidence it appeared to you that all the said requisites were well and truely performed and comply'd with. *Signed*, Wm. Lowndes. *Endorsed*, Recd. Read 29th Oct. 1713. *Addressed*. 1 p. [*C.O.* 152, 10. No. 7; and 153, 12. p. 107.]

Oct. 28.  
Treary.  
Chambers.

**494.** Mr. Lowndes to Mr. Popple. *Encloses following.* My Lord Treasurer desires that the Council of Trade and Plantations will give such direcons therein as may prevent any the like complaints for the future. *Signed*, Wm. Lowndes. *Endorsed*, Recd. 29th, Read 30th Oct. 1713. *Addressed*.  $\frac{3}{4}$  p. *Enclosed*,

494. i. Commissioners of Customs to the Lord High Treasurer. Customehouse, London, Oct. 21, 1713. Enclose following. *Pray that* directions may be given to Dep. Governor Marshal not to obstruct the officers of the Customs, *etc.* *Signed*, Rob. Wm. son, J. Bridges, Jo. Werden, J. Gibbon. 1 p.

494. ii. Extract of letter from William Gerrish (Collector of Customs at Montserrat) to Edward Perrie (Surveyor Generall of Barbados and the Leeward Islands). Montserrat, July 25, 1713. Since your departure nothing of moment hath offer'd in our Island save the appointing Capt. Marshall our Governor, who with his company doth govern as absolute as the Grand Senr., about 10 days past a vessell in her way to Jamaica touched here with slaves. Govr. Marshal agreed for some, the master would not take anything but bills, and such as I would indorze, the Governor asked if I would endorse his bills, I told him modestly I would not, immediately he call'd me all the ill names he could and said he would cane me very well, in a day or two after I was obliged to goe to his Honour to prove my quarter's acct's. of Customs, he swore he would not do it, so am obliged to send it to the Commrs. without proving or swearing to it, besides he clears vessells without having ever been near

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the Custom House, and if I give a permit he'll not signe it, this may be very prejudicial to H.M. interest, etc. *Signed*, Wm. Gerrish. *Copy*. 1 p. [C.O. 152, 10. Nos. 8, 8 i., ii.; and (without enclosure ii.) 153, 12. pp. 110-113.]

Oct. 30.  
Whitehall.

**495.** Council of Trade and Plantations to the Lord High Treasurer. *Reply to* Oct. 28. State requisites appointed by the Act, and enclose copies of oaths and debentures, "wherein we consulted H.M. Attorney General," etc. [C.O. 153, 12. pp. 108-110.]

Nov. 2.  
New London.

**496.** Lt. Governor Saltonstall to [? Lord Bolingbroke]. Upon the publishing of H.M. Proclamation of Peace with France, the Generall Assembly of Connecticut have unanimously endeavoured to express their duty and gratitude to H.M., for so great a blessing by an Address, etc. *Prays* that it may be presented by Mr. Dummer, their Agent. *Signed*, Gurdon Saltonstall. 1 p. [C.O. 5, 536. No. 5.]

Nov. 4.  
Treary.  
Chambers.

**497.** Mr. Harley to the Council of Trade and Plantations. *Encloses* following. If the facts be found to be true my Lord Treasurer desires that you will report to H.M. in Council your opinion thereupon and the methods which you shall think fit to be taken for remedying the mischiefs complained off. *Signed*, T. Harley. *Endorsed*, Recd. Nov. 5th, 1713, Read Jan. 28, 1714. *Addressed*. 1 p. *Enclosed*.

497. i. William Heysham to the Lord High Treasurer. *Duplicate of* Oct. 6th. [C.O. 28, 14. Nos. 11, 11 i.; and 29, 13. pp. 86-88.]

[Nov. 4.]

**498.** Petition of Johanna Kupius etc. (v. Oct. 1st) to the Council of Trade and Plantations, praying to be heard by Counsel, etc. *Endorsed*, Recd. Read Nov. 4, 1713.  $\frac{3}{4}$  p. [C.O. 137, 10. No. 29.]

[Nov. 6.]

**499.** John Thurston to the Council of Trade and Plantations. *Prays* that the hearing of the matters relating to escheats in Jamaica may be deferred. *Endorsed*, Recd. Read Nov. 6, 1713. 1 p. [C.O. 137, 10. No. 30.]

Nov. 9.  
Windsor.

**500.** Order of Queen in Council. Confirming Act of Barbados to enable the executors of Johanna Parris to sell certain lands, etc. *Signed*, Ja. Vernon. *Endorsed*, Recd. Read June 24th, 1715.  $1\frac{1}{4}$  pp. [C.O. 28, 14. No. 39; and 29, 13. pp. 305-307.]

Nov. 16.  
Virginia.

**501.** Lt. Governor Spotswood to the Council of Trade and Plantations. Since it hath not been judged proper to restore Col. Bassett to his former rank in the Council, whereby all hopes of obtaining his service at that Board is cutt off, I recommend Nathaniel Harrison to fill the vacancy made by the death of his father, etc. I don't know one man, except himself, on all that



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side of the River fitt to be appointed of the Council, and entrusted, (as the Council are throughout the Colony) with the command of the Militia, &c. *Signed*, A. Spotswood. *Endorsed*, Reed. Read Jan. 5, 17<sup>13</sup><sub>4</sub>. 1 p. [C.O. 5, 1316. No. 96; and 5, 1364. pp. 1, 2.]

Nov. 16.  
Virginia.

**502.** Lt. Governor Spotswood to the Council of Trade and Plantations. In my last I had the honour to acquaint your Lordps. of an expedition I intended, for securing the frontier inhabitants of this Colony, from the constant alarms they were kept under by the Tuscaruro Indians. I then little imagined to meet with a disappointment, where I had reason to expect the greatest readiness: For tho the people in those frontier countys, upon every alarm, would generally clamour for some course to be taken to cut off the Indians. Yet after I had made the necessary preparations of tents and provisions, and gone myself into those parts to review the Militia, in order to list volunteers for this service, their warmth was so much abated that I could not engage near the number I proposed (which was only 200) to follow me out. I found it then high time to endeavour to accomplish that by a Peace, which the disposition of the people would not enable me to do by a war. To this purpose I sent out a detachment of fifty of our Tributary Indians, under the command of two of the traders with orders to find out the Tuscaruros in their retirements, and to sound their inclinations towards Peace: this detachment after ten days march found them dispersed in small partys upon the head of Roanoak, and about the mountains in a very miserable condition; without any habitation or provision of corne for their subsistance; but living like wild beasts on what the woods afforded: in dispair whether to return to their own settlements in North Carolina, and run the risque of being knockt in the head by the English, and South Carolina Indians, or to submit themselves to the Senecas, who had made them large offers of assistance to revenge themselves on the English, upon condition of incorporating with them: their wants and necessitys made the offer of Peace very acceptable. So that after a short consultation with about 160 of their men that could be got together on the sudden, they agreed to send in two of the chiefs of their Nation to know upon what terms they might again obtain a Peace. These Deputys being examined here in Council seemed willing to submit to any terms, and desired leave for all their Great men to come in and treat with me, which I have accordingly granted, and am now in daily expectation of their arrival here at Williamsburgh; having just recieved an account of upwards of 1,500 of them (men, women and children) being already come down nearer to our frontier inhabitants, both for the sake of subsistance and to be readier at hand to agree to a Peace. Their number is such that, considering our people's disposition to warlike undertakings, they cannot be accounted a despicable enemy, nor will it be any way advisable to drive them to dispair by too hard terms. Our Assembly being now sitting, I shall have the opportunity of taking along with me the

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concurrence of the Representatives of the people (as I have hitherto had that of the Council) in whatever shall be concluded on. This session of Assembly has begun with the best disposition to business that I have yet observed : The first step they made was to prepare an Address to H.M. on the Peace, which I have by this conveyance sent to our Agent, with directions to receive your Lorps. advice as to the manner of presenting it ; and I also here inclose a copy thereof for your perusal. As to what concerns myself therein I can with truth assure your Lordps. that it proceeded from their own meer motion, without any party arts, or so much as my knowledge before it had passed both the Council and Burgesses, and I hope your Lordps. will look on it no otherwise than as it is a testimony of the union and agreement between me and the people, which I shall endeavour to improve for H.M. service. Besides the securing the frontiers with settlements of the Tributary Indians, which I have recommended to this Assembly, they have also under consideration the amendment of their tobacco trade, which owes its ruine in a great measure to the pernicious (tho ancient) practice of discharging all publick debts by tobacco payments. This has been the occasion of making all that trash which hath clogg'd the market and brought this country tobacco in discredit abroad, and given opportunity to innumerable frauds and unjust dealings among the planters themselves, to the destruction of all commerce, as well as the publick credit : so that it was high time to apply a remedy, which I hope will now be brought about to the service of H.M. and the good of this Colony. I shall in a short time be able to give your Lordps. an account of the success of the Indian Treaty and of the events of this session, *etc.* Signed, A. Spotswood. Endorsed, Reed. 4th Jan. 171<sup>3</sup>/<sub>4</sub>, Read 10th May, 1716. 2<sup>3</sup>/<sub>4</sub> pp. [C.O. 5, 1317. No. 23 ; and 5, 1364. pp. 298-303.]

[Nov. 20.] **503.** Address of President, Council and Assembly of Maryland to the Council of Trade and Plantations. The inhabitants from the first settling apply'd themselves to the makeing of tobacco, for many years with very good success, *etc.* It is with the greatest concerne imaginable and urged by meer necessity we are now forced to lay before your Lordships that wee most sensibly find the tobacco trade has for some years past laboured under very great difficultys and hardships which are now grown so heavy and insupportable to us that nothing less appears in view than the totall loss of the same to Great Brittain and the ruin of this poor Province, occasioned cheifly by the great quantitys of the same comodity that for some time past have been made in Europe some parts of which in former times were supplied cheifly from Maryland. Not subject to the great expence of freight, custome and other charges this province lyes lyable to, renders them capable of affording it at a farr cheaper rate then by any possibility we cann. Therefore of late years a great many of our inhabitants have withdrawn themselves into other American colonys, where the fruits of their labour are of little or no service to the Crowne, and most of those who remain have for some time and still are

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obliged in a great measure to fall upon making of many of those necessaries, as heretofore wee have been supplied with from Great Brittain in exchange for our tobacco. The present circumstances of the said trade have had their ill effects on severall merchants of Great Brittain, which has also proved very much to the prejudice of this province. *Pray their Lordships* to represent to H.M. and the Parliament the circumstances of this poor Province and the trade thereof so as to procure some redress and relief, for want whereof we must in a little time inevitably fall under such pressures as will render us unable to support ourselves and poor families. *Signed*, Edwd. Lloyd, Presidt., Wm. Holland, Thos. Ennalls, Sam. Young, Tho. Greenfield, Jno. Hall, Wm. Whittington, Tho. Heldison, Phile. Lloyd, R. Tilghman (Council). R. Ungle, Speaker, Phill. Hoskins, Roger Woollford, Henry Ennalls, Gouertt Loockerman, D. Mariarte, St. Codd, Robt. Tyler, Sam. Worthington, Jno. Mackall, Solomon Wright, Amos Garrett, Tho. Docwra, Thos. Hammond, James Mackall, Jno. Whittington, Henry Trippe, Richd. Colegate, Thos. Purnell, Pere. Frisby, Kenelm Cheseldyne, Wm. Whittington, junr., Henry Per. Jowles, Edw. Steevenson, Edwd. Scott, Wm. Watts, James Lloyd, D. Pearce, Edward Bray, James Smallwood, Walter Story, Jno. Brome, Jon. Rendall, Jn. Purnell, James Frisby, M. Vanderheyden, Tho. Sprigg, Char. Hammond, Tho. Brook, jr., Cha. Wright. *Endorsed*, Recd. 13th Jan., Read 16th April, 1714. 1 large p. [C.O. 5, 717. No. 57.]

Nov. 21.  
London.

**504.** Jeremy Dummer to Lord Bolingbroke. Encloses Addresses from New England, one a congratulation upon the Peace, the other relating to Tertudas. "The liberty of fetching salt from this place is of the last importance to every Plantation H.M. has in America, from Jamaica to Annapolis Royall; the island is of no use to anyone else," etc. *Signed*, Jer. Dummer. 2 pp. *Enclosed*,

504. i. Address of the Governor, Council and Assembly of the Massachusetts Bay to the Queen, Boston, Aug. 28, 1713, relating to Tertudas, v. No. 513 ii. [C.O. 5, 751. Nos. 85, 85 i.]

Nov. 24.  
St. James's.

**505.** R. Shelton to Lt. Govr. Spotswood. The Proprietors considering the condition of their Province of North Carolina, as well in regard to the late insurrections and tumults that have been there, as to the present Indian war, have thought nothing could more encourage the inhabitants to return to their duty, nor sooner settle peace and tranquility between them and the Indians than to send a Governor there who might enquire into the aforesaid disorders and administer justice accordingly; they therefore have upon the death of Mr. Hyde appointed Mr. Eden, the bearer hereof, to be Governor of that Province; a person we hope duly qualified for that service; and I recommend him to your friendship for your advice and assistance, that he may be the better able in his administration of the Government to put an



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end to that war, and their own intestin jars, in giving which you oblige, Sr., your humble servant. *Signed*, R. Shelton. [*C.O.* 5, 290. *p.* 73.]

[Nov. 25.] **506.** Nathaniel Blakiston to the Council of Trade and Plantations. *Prays* leave for Governor Spotswood to exchange, on behalf of himself and succeeding Governors, 50 acres of the land near James Town set apart for the use of Governors, for some land belonging to Col. Philip Ludwell near Williamsburgh, the seat of Government having been removed thither, *etc.* *Endorsed*, Recd. Nov. 25, Read Jan. 5, 171 $\frac{3}{4}$ . 1 *p.* [*C.O.* 5, 1316. No. 97 : and 5, 1364. *pp.* 2-4.]

Nov. 27. **507.** Sir E. Northey to the Council of Trade and Plantations. Your Lordships having appointed to hear the matter relating to the Lord Archibald Hamilton on Tuesday next, and there being a Council at Windsor on Monday, Mr. Solicitor General and myself shall not be able to attend then *etc.* *Proposes* Friday. *Signed*, Edw. Northey. *Endorsed*, Recd. Read Nov. 27, 1713.  $\frac{3}{4}$  *p.* [*C.O.* 137, 10. No. 31 : and 138, 14. *p.* 49.]

Nov. —. **508.** Governor Dudley to the Council of Trade and Plantations. *Recommends* Col. John Redknap, H.M. Engenier, for his loyalty and services the last nine years in raising and amending the forts and defences of these Provinces. *Continues* :—The happy Peace Her Majesty's wise Council has happily brought to pass gives him leave to wait on your Lordships *etc.* Here are some alterations in the frontiers necessary in respect to the fortifications, and places for trade with the Indians who are lately reduced to H.M. obedience in which Col. Redknap will be very serviceable *etc.* *Signed*, J. Dudley. *Endorsed*, Recd. 25th Jan. 171 $\frac{3}{4}$ , Read 25th June, 1718. 1 $\frac{1}{2}$  *pp.* [*C.O.* 5, 866. No. 152 : and 5, 915. *pp.* 128, 129.]

Dec. 1. **509.** Governor Dudley to the Council of Trade and Plantations. My last (24th Aug.) brought the papers relating to the Massachusetts Province. This is accompanied with the papers and Minutes from the Province of Newhampshire, being not willing to venture them all by one conveyance especially a private ship, have therefore sent this pr. Captain Brown H.M.S. *Reserve*. In my last to Mr. Secretary Popple (Aug. 24) I gave account of the receipt of the Articles of Peace, and Commerce, which I had published to the universall satisfaction of all mankind here, and sent home the dutifull addresses of both the Assemblies, to H.M. on that behalfe. Since which I have two letters from your Lordships, the first of July 8th. In the first clause thereof your Lordships direct me to give an account referring to the bills of credit in use *etc.* Upon my arrivall here with H.M. commands for this Government I was soon overtaken with the Proclamation of the warr, into which as soon as in all former warrs the French in my neighbourhood att Canada, soon arm'd themselves and all

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their dependant Indians and put me upon raising guards and garrisons, and marching parties to the number of one thousand men, and more, who after the manner of establishment and subsistence, and paymt. here, with their officers, and incidentall charges, amounts to £30,000 pr. annum, and when the Assemblies of both the Provinces came to consider, how to raise that money necessary for ye first year, they found all the coyn, and bullion, passing in trade not enô to pay the necessary expences of the year, and by their Comittyes projected these bills of credit, and prayed at first to make a triall of only ten thousand pounds, for which the fund should be an Act of Assembly, for £12,000 payable in three years into the Treasury, making the said bills currant only to pay the said taxes into the Treasury, before the year was out, they granted another tax for as much more upon a like fund for further time. The perfect want of money was such that the bills became currant in all trade with merchants and countrymen, with that honour that I never heard of any abatement in payment, either in trade, or market, or any dealing whatsoever. The heat and length of the warr foret the Assemblies to continue their impression of them from first to last to the valew of — and all those Acts under H.M. seal of these Provinces are in your Lordships' office sent home annually, and there is no penny issued in bills till that security be duely enacted, signed by the Speaker for the Representatives, by the Secretary for the Council. by the Governour for the Queen, and agreeably there are already in and burnt — thousand pounds and there are yet standing out and in use — thousand pounds which four or five years will bring in and leave the Province out of debt. And I may assure your Lordships without this method I could never have subsisted nor cloathed the Forces, that have defended and secured these Colonies as well as our neighbours, but must have left all to ruin and mischief. Referring to that temporary Act to prevent the oppression of debtors your Lordships see by the Act that it is but for three years, and it does not oblige the creditor to take them in payment of the debt, but only that if the debtor can deposit so much, as the debts in Province bills, it shall save his person from imprisonment untill the money can by that means or any other estate discharge his debt, which short time will soon be out, and without any great foresight, it is easy to be seen, that these bills when they come to be paid up will be five pr. cent. better then money because the Treasury receives them att that advance, as appears by every one of those Acts and the usage heitherto. The forgery and fraud offer'd to the bills of which your Lordships enquire is not much, and is generally soon discover'd, and reformed, and is no other I am humbly of opinion then the corruption, and false coyning of money, stampd paper, and other paper credits which has been too often done in Great Britain, which I hope will be all over in three or four years, by which time the last of them will come to the fire, however, what your Lordships in your wisdom shall direct, shall be done therein. Referring to the return of H.M. subjects from the French, and Indian hands in Canada, I have lately received the French King's orders

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to Mr. Voderil the Governour there to dismiss them all, and with those letters I have sent overlands agents to demand and gather together those prisoners, and have acquainted Mr. Voderil that I will send a ship early in the spring up Canada River for their transportation home, of which negotiation I shall acquaint your Lordships for further direction if need be. I am glad of your Lordships' satisfaction in my endeavours to restore the Eastern Indians to their obedience, to H.M., and hope the Articles of the Treaty with them are att the Board before now, they are intirely submitted to H.M. disposall and we are in all friendship with them, and shall return to our employment of navall stores and husbandry everywhere as formerly. I shall obey your Lordships in seeking to advance the Secretaries salaries in both the Provinces as they well deserve. I received the Treatyes of Peace, and Assiento which your Lordships last mention in this letter, and H.M. great wisdom, and princely regard to all her good subjects, and neighbours is apparent therein to all mankind. Your Lordships other letter is of the 25th of Aug. referring to sending home prisoners without proof of their crimes. It has been my good fortune, heitherto never to send any prisoner home, but I shall obey your Lordships in the method commanded if any such thing happen. *Signed*, J. Dudley. *Endorsed*, Reed. 15th Jan. 17<sup>13</sup>/<sub>14</sub>, Read 25th June, 1718. 2<sup>1</sup>/<sub>2</sub> pp. [*C.O.* 5, 866. *No.* 153; and 5, 915. pp. 130-135.]

[Dec. 1.]

**510.** Declaration of John Martin. Charlestown. On May 30th Joseph Ellecute came in from the Bahamas and told Mr. Craven that he was taken by a Spaniard there, as were also two New England and one Bermuda vessels, come there to load salt. (*v.* Oct. 13). *Signed*, John Martin. *Endorsed*, Reed. Read Dec. 1, 1713. 1 p. [*C.O.* 5, 866. *No.* 9; and 5, 913. p. 460.]

Dec. 1.  
Whitehall.

**511.** Lord Bolingbroke to Lt. Governor Moody. Your letters of the 4th of Octr. from Vigo, and of the 24th from Lisbon are come safe to my hands, and I have laid them before the Queen, who thought fit, to consult with the Lords of the Admiralty, upon what you propose therein, as most conducive to H.M. service, and I am now to acquaint you that H.M. approves of your continuing at Lisbon, with the forces under your command, during this winter, that you may be able to proceed very early in the spring to Placentia, and She has given orders that a timely supply shall be sent you of such provisions as you may have occasion for in your voyage. I beleive the Lords of the Admiralty have writ to this effect to their officer. *Signed*, Bolingbroke. [*C.O.* 324, 33. pp. 19, 20.]

Dec. 2.  
Whitehall.

**512.** Mr. Popple to Mr. Borret. Presses for Mr. Solicitor General's report on Acts of Pensylvania (*v.* Aug. 3). [*C.O.* 5, 1292. p. 394.]

Dec. 3.  
Windsor.

**513.** Lord Bolingbroke to the Council of Trade and Plantations. The Spaniards in the West Indies having seized several



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ships belonging to H.M. subjects as they were lading salt according to custom at Tertudos, on pretence that it was an unlawful practice for that the said Island belonged to the Crown of Spain, I send you an abstract of the case that you may please to take the same into consideration, and inform H.M. how the prescription is as to her subjects gathering salt on that Island. *Signed*, Bolingbroke. *Endorsed*. Recd. Read Dec. 4. 1713. 1 p. *Enclosed*,

513. i. Abstract of following. 1 p.

513. ii. Address of the Governor, Council and Assembly of the Massachusetts Bay to the Queen. Salt for the fishery of this Province has hitherto principally been gotten from Salt Tertudos *etc.* as Sept. 24, an island uninhabited and in all times past used and free for your Majesty's subjects to gather and load salt there without interruption, save only what they have sometimes met with from pirates and privateers in time of war, and have likewise had your Majesty's royal favour in allowing them the protection of a ship of warr for a guard and convoy. But in this present summer, long after the suspension of arms, a ship of good burthen named the *Marlborough* galley, Daniell Frizell commdr., belonging to the Port of Boston, and other English vessells lading salt at the said Island, were surpriz'd and seiz'd as they lay at anchor by an armed sloop mann'd with about 80 men, commanded by Monsr. Nell, captain, having a commission from the Spanish Governor of St. Domingo, and carry'd to that Island, on pretence of unlawfully gathering salt there, as belonging to the Crown of Spain. *Pray* H.M. to secure her subjects a free and uninterrupted course of trade to the said Island, *etc.* *Signed*, J. Dudley, Isa. Addington, Secy., John Burrill, Speaker. *Copy*. 3 pp. [*C.O.* 5, 866. *Nos.* 10, 10 i., ii.; and (*without enclosures*) 5, 913. p. 461.]

Dec. 4.  
Treary.  
Chambers.

**514.** Wm. Lowndes to Mr. Popple. The Lord High Treasurer *refers following to the Council of Trade and Plantations for their report.* *Signed*, Wm. Lowndes. *Endorsed*, Recd. Dec. 18th, Read 5th Jan. 17<sup>13</sup>/<sub>14</sub>. 1 p. *Enclosed*,

514. i. Philip Ludwell to the Lord High Treasurer. Nov. 26, 1713. *Prays*, on behalf of himself and Nathaniel Harrison, Commissioners appointed for settling the bounds betwixt Virginia and Carolina, and of Harry Beverly, Jno. Allen and Henry Briggs, persons employed in that service, payment for the same of £250 out of the Revenue arising by the quit-rents, *etc.* *Signed*, Phil. Ludwell. 4<sup>1</sup>/<sub>2</sub> pp.

514. ii. Copy of Minutes of Council of Virginia, April 30th, 1713, recommending payment of above. 2 pp. [*C.O.* 5, 1316. *Nos.* 98, 98 i., 99; and (*without enclosures*) 5, 1364. pp. 4, 5.]

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Dec. 4.  
Whitehall.

**515.** Mr. Popple to George Tilson. The Board of Trade request a copy of the address relating to Tertudas, presented to Lord Bolingbroke. *v. No. 513 ii. Signed, Wm. Popple. 1 p. [C.O. 5, 751. No. 86.]*

Dec. 4.  
Boston,  
New England.

**516.** Extract of a letter upon the state of Placentia *etc.* (*To same effect as Dec. 11 q.v.*) *Endorsed, Recl. (from Mr. Moore) Jan. 25th, Read Feb. 9th, 17 $\frac{1}{4}$ . 1 $\frac{1}{4}$  pp. [C.O. 194, 5. No. 28.]*

Dec. 5.

**517.** Deposition of Robert Keirton, mariner. *Narrates seizure of the Marlborough galley. v. No. 513 ii. Endorsed, Recl. 7th, Read 16th Dec. 1713. 1 p. [C.O. 5, 866. No. 11.]*

Dec. 7.  
Boston in  
New England.

**518.** Mr. Bridger to [*? Lord Bolingbroke*]. I have prosecuted several persons to an execution for a breach of the Act forbidding the cutting of mast trees, and the officers have levyed upon their estates for the penaltys, and when the day of sale came, their neighbours being offenders in the like crime, none would appear to buy, so that the forfeitures are not levyed, nor can untill the Act of Parliament have some amendments made, *etc.* The addition of Nova Scotia to H.M. Dominions is an enlargement of my survey; where there is great numbers of masts, and ought to be preserved for the use of H.M. Navy; which service will requier that I have deputies allowed me, *etc.* 'Tis impossible for one person to do it, *etc.* *Signed, J. Bridger. Endorsed, Rd. Jan. 15. 1 $\frac{3}{4}$  pp. [C.O. 5, 751. No. 87.]*

Dec. 7.  
Boston in  
New England.

**519.** *Same to [? Lord Bolingbroke].* Encloses petition to H.M. from the people of Newbury belonging to the Church of England, wch. Church they have built at theire owne charge tho' forbid by the Government, and to prevent any future alienations or alterations of the peoples minds and humors, I have bought the ground the Church stands on, and have made it so secure that it cannot be taken away, there is now 300 auditors: in 6 months I am pretty well assured we shall have more than twice that number, *etc.* *Signed, J. Bridger. 1 p. Enclosed,*

**519. i.** Address of the Minister, Churchwardens, Vestrymen and Inhabitants belonging to the Church of England in the west precinct of Newberry in New England, to the Queen. Our gratefull sense of the advantages of the Peace rises in proportion to the miseries we endur'd by the war, which rag'd more in this Colony than in any other part of your Majesty's Dominions. Our country has been the scene where the barbarous and savage enemie acted unexampled cruelties and the laying wast our towns the butchering of our neighbours or leading them into a miserable captivity are the evils from which we are now delivered. But this happy change in our temporal condition is not ye only subject of our joy. Your Majesties' care of our spirituall concerns does likewise claim our most unfeigned acknowledgments. For we are inform'd by General Nicholson

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(that worthy patron of vertue and religion) that your Majesty graciously intends to establish bishops and bishopricks within your Majesty's Plantations of America, and that the Honourable Society for propagating the Gospel in Foreign Parts encourag'd by your Majesty's pious resolution have laid before your Majesty the particular manner of their respective settlements. Being convince'd that the Church of England is a pure Orthodox Church we have left the schism which has so unhappily prevail'd in this country, and we have reason to believe that many other places will follow our example and come into ye communion of the Church were they so happy as to have ye successors of the Apostles resident among them. *Commend* the services of John Bridger, "who has protected us in building our church when forbid, and obtain'd for us since the protection of this Government by easing us of our minister's tax, and releasing one from imprisonment, all which was inflicted on us by the Independants." *Pray* for H.M. protection and bounty, *etc.* *Signed*, John Lambton, Minister; Joshua Brown, Abraham Merrill, Churchwardens; Joseph Bailey, Samuel Burtlett (?), Abel Long, Saml. Sawyer, Joshua Brown, jr., John Bartlett, Vestrymen; William Huse, *and* 19 *others*. 1 p. [C.O. 5, 751. Nos. 88, 88 i.]

Dec. 9. **520.** Memorial by Capt. Cyprian Southack. Urges the diligent improvement of the fishing trade of L'Accadie and Boston, Nova Scotia by settling inhabitants along the coast, *etc.* *Signed*, New England. Cyprian Southack, gent. *Endorsed*, Recd. (from Mr. Moore) Jan. 25, Read Feb. 9, 1714. 2 pp. [C.O. 194, 5. No. 29.]

Dec. 11. **521.** Archibald Cumings to the Council of Trade and Boston. Plantations. Having left Newfoundland Oct. 24th to waite on Col. Nicolson here none of our troops were arrived att Placentia the 17th Oct. *etc.*, and att Col. Nicholson's request having drawn up a memoriall of the state and trade of that countrey which he approved off and desired me to lay before your Lordships, which is as follows. The codd fishery is improved to the vast advantage of Great Brittain, and might be improved to greater advantage, for there has been employed in that trade and fishery some years of last peace 200 sail, and in time of warr 130 to 150. It is to be hoped that the surrender of Placentia may make it more beneficiall. The branches of trade that country more immediately depends upon are provisions of all sorts which are imported from Great Brittain, Irland and the plantations, craft for the fishery and clothing from Great Brittain, salt from Spain and Portugall and in time of peace from France. There is also a trade carried on from Portugall and Spain and since the peace from France for wines, oyll, brandy, fruites, iron, linens, molosses, alamodes, canvis, paper, and from Holland of late for cordage, hollands, duck, powder, iron, polls *etc.* which is very detrimentall



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to the trade and manufactures of Great Brittain and will more and more unless speedily prevented by putting the Acts of trade in execution in that country, and it's supposed severall ships imployed in that trade belong to forreigners which is very prejudiciall to our Navigation, and a great deall of this trade is carried on to incourage an illegall trade to the Plantations, to prevent which it will be absolutely necessary that all ships should enter and clear that the Government may be the better informed of the import and export of that countrey and that all the ships should be registred as the law directs to prove the property to be Brittish, and that the officers in the Customes in that countrey may be enabled to putt the Acts of trade in execution by erecting and establishing a Court of Admiralty, *etc.* As to other branches of trade carried on from the Plantations thither with provisions rume molasses suger tobacco pitch tarr cattle boards there is litle or no illegall trade carried on this way only when tobacco is plenty and cheap and pitch and tarr it is sometimes shipped from thence for Portugall and Spain, but a great deal of illegall trade carried on from thence to the Plantations with wines, oyll, fruites, brandies and Dutch goods. But the French having still the liberty to fish in the northern parts of Newfoundland so round to Point Rich to the westward it will be necessary for the incouragement of that trade and fishery to have such places fortified as may be thought most proper for fortification and protection of the fishery in case of an irruption with the French being so near neighbours and especialy since they are to have Cape Britton and are now actually fortifying of itt being an island of 40 leagues in length and they are fortifying three harbours in itt and for the incouragement of the French in Nfoundland and Nova Scotia to remove and settle where the French King offers 18 months provisions gratis with sloops shallops and shalloways to carry on the fishery att his own charge *etc.* The French have had a man of warr of 32 guns with Monsr. St. Ovid Lt. Governour of Placentia and most of the soldiers of that garrison imployed in fortifying of itt since July with a detachment of 150 men from Quebeck to assist, all the brass field peices mortars and cohorns taken in Fort William in St. Johns in 1708 being transported to Cape Britton and a great deall of ammunition and 150 of the inhabitants of Placentia went in shallops and shalloways in September last to settle ther. The garrisons of Placentia are much out of repaire and doe beleive the French will in a manner demolish the lower fort this winter there being a great breach to the seaward and pulling down the pallisadoes to burn daily and if in the winter any storms should arrise may beat down all the ramparts to seaward unless our troops gett there this fall. But the settling of Cape Britton and fortifying itt in 3 places or harbours being 40 leagues in length 40 mile broad with severall convenient harbours and store of good timber with abundance of coals of easy access and the only place for them on the continent having so many advantages it wold seem that the French designe a vast trade there, and in case of an irruption between France and us would threaten both our fishery and continent trade. besides

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ther alliance with the Indians on that Island and the Continent adjoyning might threaten our remotest settlements. But the French by settling Cape Britton will have many advantages over us in the fishery it being a good coast for fishing and near severall adjacent banks and the Island of Sable which they propose to settle being a good place for fishing, which they pretend to be granted by the king to an officer Mons. Laronde though in our bounds by the Articles of peace. To putt us upon a levell and to promote our own fisherys it will be absolutely necessary to have two harbours fortified on the coast of Nova Scotia where our fishing sloops may repair to and all such places most convenient for shipping and nearest the fishing ground to be a check over the French and Indians in these parts and to incourage our fishery there by which means the fishery may be carried on winter and summer that so in going sooner to marcate with fish wee may have an advantage over them in thers and by consequence the best price, and if it was possible as H.M. subjects are the only traders to Spain and Portugall for wines brandy oyl and fruites to gett off the duty on Brittish fish or a diminution thereof it will be very advantageous to our trade and fishery, *etc.* *Signed*, Archd. Cumings. *Endorsed*, Recd. 18th, Read 19th Jan. 171 $\frac{3}{4}$ . *Addressed*. 1 $\frac{3}{4}$  pp. [C.O. 194, 5. No. 26; and 195, 5. pp. 316-323.]

Dec. 12.  
Boston,  
New England.

**522.** Col. Vetch to the Council of Trade and Plantations. I could not but judge it my duty by this conveyance to give your Lordships the trouble of the following short account notwithstanding I hope to have the honour to waite upon your Lordships in person very soon with a more full account of the state of affairs in the northern part of this Continent: I mean Accadie and Nova Scotia: where I have for these three years last past had the honour to command H.M. Fort of Annapolis Royall. The following account is what I see in a letter from France to on(e) Msr. Goline a Missionary for the Indians upon the coast of Cape Sables and Cape Britton and from his own mouth; he being a person of the greatest credit att the French Court with relation to these countrys as knowing them better then any Indian whatsom-ever. The substance of the letter was, that by the conclusion of the peace the English were to be possessed of all the eastern coast as farr as the Gutt of Cancer, which country the Ministers of France had too easily parted with as not being then sufficiently apprised of its value: however they were not without hopes of yet in some measure by getting the Bay of Fundy or French Bay made the limits of the English to the eastward: this if it depends only upon the English Ministers they doubted not to obtain. In the mean time the French King had ordred three considerable settlements att Cape Britton, and had allotted all the funds that were formerly for the support of Port Royall and the country of L'Accadie and Nova Scotia: Placentia and St. Peters in Newfoundland to be apply'd for the support of Cape Britton: besides a considerable augmentation and that there was to be 600 regular troops to belong to the three Forts to be erected there:

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so far the letter. Msr. Goline told me himself that Msr. St. Ovide late Lieut. Govr. of Placentia was arrived from France in a frigatt of 36 gunns att Cape Brittoun, that he had received from him letters from Msr. Pontcharterne to give his oppinion and advice to Msr. Castobell late Govr. of Placentia and the other principall officers that were to be at Cape Brittoun of the properst places for building the forts and settlements upon : who was by their desire pressed to make all possible haste to Cape Brittoun : Msr. St. Ovide who then commanded att Cape Brittoun : wrote him that a detachmt. from Quibeck of 180 men were arrived under the command of Captn. La Ronde and Duvive and a part of the garrison of Placentia under the command of Msr. Hermite late Major there : and that they had aboard the frigatt all proper tools and necessarys for working upon the fortifications : he added that the King was to make the settlement of Cape Brittoun much like that of Martinico : that there was to be a Generall who he said to be the Marquis D'Alergny present Commandant of the troops att Canada. That Msr. Du Costobell to be Chief Govr. of the Island Msr. St. Ovide Lieut. Govr. Msr. Artell to be Commandant of the troops and Msr. Hermite Major and Commander of on of the forts and Chief Engineer. That the French King had promised every planter that would go settle there 18 months provisions gratis and all sorts of tools : and to encourage the fishery promised to lend them ships and advance them salt and other necessarys. This I thought myself in duty bound to inform your Lordships of, whose province it is to judge how farr this will affect the Brittish intrest and trade in these parts, *etc.* P.S.—The above-mentioned Capt. La Ronde and Du Vive belonged to the garison of Port Royall when wee took that place, but the first was not there being Capt. of a frigatt, and mostly employed by the French Govrs. in these parts as a spy in the Brittish Governments under pretence of a flagg of truce : he was att Boston under that character from Placentia when the expedition against Quibeck arrived there : and was confined to the Castle untill after the news of the disaster of the Fleet reached that place when he gott of and went to Martinico. It is to this La Ronde as wee are informed via Placentia that the French King hath given the Isle of Sables : which by the Articles of peace to belong to the Brittish Dominions in these parts. *Signed*, Sam. Vetch. *Endorsed*, Recd. 15th, Read 19th Jan. 17<sup>13</sup><sub>14</sub>. 2 pp. [*C.O.* 217, 1. *No.* 14 ; and 218, 1. pp. 82–85.]

Dec. 14.  
Boston in  
New England.

**523.** Governor Nicholson to the Earl of Dartmouth. *Acknowledges letter of Aug. 4th. Compliments. Encloses* following, of which 3,000 were printed at Boston. *Continues* :—There are sent over to this place, and I suppose to others of this Continent all the traiterous factious and ill-natured pamphlets of all sorts ; and are industriously spread abroad amongst the people. *Repeats* proposal that a good number of loyal prints be sent by the first safe conveyance, to H.M. Governors, in order to have them disperst in their several Governments in order to undeceive the people, *etc.* *Signed*, Fr. Nicholson. \* 2 pp. *Enclosed*,



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523. i. H.M. Speech to the Houses of Parliament, July 16, 1713. Reprinted at Boston by order of Col. Nicholson. 4 pp. [C.O. 5, 751. Nos. 89, 89 i.]

Dec. 14.  
Boston in  
New England.

**524.** Governor Nicholson to the Council of Trade and Plantations. *Acknowledges* letters of May 8 and July 15th. *Continues*:—My not touching at Annapolis Royall for want of pilotts and after came hither Capt. Wade Commander of H.M.S. *Adventure* durst not venture it being so late in the year. I sent your Lordships' commands to Major Thomas Caulfield, H.M. Lieut. Governor of Annapolis Royall *etc.* *Refers to enclosures.* I design to go [*thither*] (God willing) in the spring and from thence to Placentia tho' as yet I have recd. no news of Col. Moody's being arrived there and the winter being now sett in can't expect it, *etc.* *Signed,* Fr. Nicholson. *Endorsed,* Recd. Jan. 15, Read Feb. 9, 17<sup>13</sup>/<sub>14</sub>. 1<sup>3</sup>/<sub>4</sub> pp. *Enclosed.*

524. 1. (a) Governor Nicholson to Lt. Govr. Caulfield. Boston, Oct. 20, 1713. *Encloses* copies of the establishment, H.M. Commission and Instructions, Proclamation of Peace *etc.* and gives Instructions concerning the officers of the Garrison. P.S.—I desire that as few suttling houses and ordinarys as possible may be both in the fort and town and that you'll let me know the number of them and upon what accot. they are, and you must suffer no person whatsoever to trade with any of yr. garrison without yr. lycence and see that justice be done on both sides, not suffering comoditys to be sold at extravagant rates and that no person whatsoever furnish yr. garrison with any of the species of clothing untill all her Majty.'s be dispos'd of, and I heartily recommend to you that as little licquor as possible be sold to any of the garrison, *etc.* *Signed,* Fr. Nicholson. *Copy.* 5<sup>1</sup>/<sub>2</sub> pp.

524. i. (b) Lt. Governor Caulfield to Governor Nicholson. Annapolis Royall, Nov. 5, 1713. *Acknowledges* preceding *etc.* The inclosed Memorial will shew you the impossibility of our subsisting on the allowance of fire, that the establishment hath appointed, *etc.* *Encloses* muster-rolls of the 4 companies, and *refers* to regimental business. *etc.* This day I summoned all the inhabitants of this place and signify'd H.M. goodness to them, the principall of which seems extreamly well satisfyd and willing to continue in their plantations which in my humble opinion will be of great service to this garrison, and as for the others the sooner we are rid of them the better. According to your orders I shall take care to lessen the sutlers, *etc.* *Signed,* Thos. Caulfield. *Copy.* 5 pp.

524. i. (c) Governor Nicholson to Lt. Governor Caulfield. Boston, Nov. 15, 1713. *Encloses* his Commission of Vice-Admiralty and *refers* to arrangements for provisioning the garrison, *etc.* Let me know how the trade with your Indians is managed for great care must be taken

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therein, *etc.* I send you the law lately passed here concerning the Indian Trade, by which you may see what care is here taken about it, the Assembly desired my assistance about the said Act, *etc.* Signed, Fr. Nicholson. *Copy.* 2 $\frac{1}{4}$  pp. *The whole endorsed,* Reed. Jan. 15, 17 $\frac{13}{14}$ .

524. ii. Governor Nicholson to Governor Hunter. Boston, Oct. 19, 1713. *Encloses* correspondence, Commissions and Instructions *etc.* Mr. William Newton brings other letters. I desire your Excellency will let me have an accot., what condition your four companies are in, both in respect to number and clothing and where they are in garrison, as likewise how your affairs are with your Indians especially the Five Nations, also in what circumstances the Palatins are *etc.* I hope this winter or early in the spring to be with your Excellency at New York. Signed, F. Nicholson. *Copy.* 2 pp.

524. iii. (a) Governor Hunter to Governor Nicholson. New York, Oct. 26, 1713. I am at a loss what to do with the Lieuts. for the bills for their subsistence last year are not paid, and there being such considerable sums stopt in the Pay Office, that I doubt they have contracted such debts here as will retard their departure untill satisfaction be given to those who have trusted them, *etc.* The Governor and Lt. Govr. when there is one, have always had two of the Companys *etc.* Discusses distribution of officers. As to the condition of our companys they are in a much better then ever they have been since they were levied, having lately receiv'd 100 recruits from England, the best of the kind I ever saw, being draughted from the standing regiments, by which means we are compleated to our establishment and many supernumerary. They were compleatly new cloathed last week, *etc.* I have two companys intire here in garrison, there are two at Albany, out of which there is detach't a Lieut. and 20 men at the fort in the Mohacks country, and a Lieut. and 20 men at Schenectady, now the companys are compleated, I shall reinforce both these places. The uper Nations have been in a great ferment upon accot. of the warr, betwixt our Southern Provinces and the Tuscororo Indians, but have at last promis'd that they will neither shelter nor assist them for the future, this they did lately by Hendrick Hansen, Blecker and others, whome I sent to them for that purpose; Coll. Schuyler declining that service upon account of his late loss, and indeed it goes very hard both with those employed and him who employs them; for our Assemblys here will allow nothing for these so absolutely requisite services. *Encloses list of the Palatines. Totals,* 724 on the east and 284 on the west side of Hudson's River; 500 at Schoharee and 500 dispersed amongst the planters for their subsistence. *Continues:—*

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Having exhausted all my credit and substance toward the subsisting that people and pursuing H.M. instructions for that purpose and none of my bills paid, I was laid under the hard necessity of ordering them to subsist themselves in the best manner they could until H.M. further pleasure should be known, but none of them to leave the Province upon any account, which I believe few have done, the accounts *etc.* are ready for your inspection, *etc.* *Signed, Ro. Hunter. Copy. 5 pp.*

524. iii. (b) Governor Hunter to Governor Nicholson. New York, Nov. 2, 1713. *Enquires* what officers are to be sent from hence to Placentia and Annapolis Royall, and the date of his proposed visit, *etc.* *Signed, Ro. Hunter. Copy.  $\frac{3}{4}$  p.*

524. iii. (c) Governor Nicholson to Governor Hunter. *Reply to No. iii. (a).* Boston, Nov. 2, 1713. I writ to the Warr Office, to know where the half pay officers are to be paid, but as yet received no answer; in the intrin it will be best for them where they are, and that your Excellency will subsist or get them credit proportionable to their half pay, there being no sending any of them this winter either to Annapolis Royal or Placentia, *etc.* *Refers* to clothing arrangements, *etc.* The first bill for building the two Mohawks fort was paid long before I left London, the other I heard nothing of, but hope they will be paid if yr. Excellcy. will write to my Lord High Treasurer. I hope yr. Assembly will pay those gentlemen that have and shall be employ'd to goe into the Indians' country, especially the Honble. Coll. Peter Schuyler. As for subsisting the Palatins, I have no commands from H.M. about it, but I desire you to let me know whether any of them are at present subsisted and upon wt. accot., and to what time they have been, what progress they have made in tarr *etc.*, if any of them are at work on that comodity or any other and upon what account. I desire an account of provisions, arms, stores *etc.* that came to your hands or other persons in your Government upon accot. of the late expedition to the River of Canada, and such part of the remains of the said stores, provisions *etc.* as will not be necessary to serve the uses for which they were first provided may be sold and disposed of to H.M. best advantage. *Signed, Fr. Nicholson. Copy.  $2\frac{1}{4}$  pp.*

524. iii. (d) Governor Hunter to Governor Nicholson. New York, Nov. 9, 1713. I have all along done what I could to serve Col. Schuyler, and as often as he has brought me any accounts for his services amongst the Indians so often have I recommended them to the Assembly, and he has been paid, *etc.* The Palatins were subsisted by me from their arrivall in this Province to Sept. 13th, 1712, as will appear by the books kept by the officers appointed for that service. The non-payment of my bills



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and the consequence of it there being a stop put to their subsistence made it impracticable to prepare a succession of trees for the ensuing years, that poor people with all their labour having difficulty enough to find their dayly bread, but such of them as remain upon the place, if I can find credit, I intend to employ in the manufacturing the trees all ready prepar'd which promise very well, that work is to begin early the next spring at farthest, the trees requireing to stand three years time after their first preparation as the Lords of Trade are sufficiently appriz'd. When they are at work it is upon the public account as I was instructed for I have never yet employed one of them on my own. I will send accounts of stores, etc. *Signed*, Ro. Hunter. *Copy*. 2 pp.

524. iii. (e) Copy of Lord Dartmouth's letter of Feb. 13, 1712.

524. iii. (f) Governor Hunter's message to the Assembly upon Lord Dartmouth's letter (*preceding*) relating to stores. *Copy*. 1 p.

524. iii. (g) Governor Nicholson to Governor Hunter. Boston, Nov. 9, 1713. Enquires what time in the spring he is to meet the Five Nations, because he would be there, etc. *Signed*, Fr. Nicholson. *Copy*.  $\frac{1}{2}$  p.

524. iii. (h) Governor Hunter to Governor Nicholson. N. York, Nov. 16, 1713. The end of this week I goe to Burlington to attend the Assembly there. In the spring I must meet the Assembly here, who shew at present some disposition to pay the debts of the Government. I know not how long they may continue in that mind and am not sanguine enough to hope for so good an issue. If that affair may be discussed before May, I intend then to meet the Five Nations' Deputys at Albany, etc. *Signed*, Ro. Hunter. *Copy*.  $\frac{1}{2}$  p.

524. iii. (i) Governor Nicholson to Governor Hunter. Boston, Nov. 16, 1713. *Reply to* iii. (d). The reason I mentioned Col. Schuyler was because you had writt about him Oct. 26th, etc. *Signed*, Fr. Nicholson. *Copy*. 1 p.

524. iii. (j) Governor Hunter to Governor Nicholson. N. York, Nov. 23, 1713. *Replies to preceding*. I have a letter from Mr. Taylor by order of my Lord Treasurer to send him my accots. and vouchers. Sure they must mean copys, which they allready have, but it cannot be expected that I should part with my vouchers untill I am discharged, etc. *Signed*, Ro. Hunter. *Copy*.  $\frac{1}{2}$  p.

524. iii. (k) Governor Nicholson to Governor Hunter. Boston, Nov. 23, 1713. Encloses letters from Lord Dartmouth to be sent to M. Segon, Intendant of Canada, and Mr. Dural, Director General for the Assiento Company, Carthagena, etc. Mr. Newton is at last arrived (*v. ii. supra*). *Signed*, Fr. Nicholson. *Copy*.  $1\frac{1}{2}$  pp.

524. iii. (l) Governor Nicholson to Governor Hunter. Boston, Nov. 30th, 1713. I should be glad to know what accots.

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you are to send to my Lord High Treasurer. Mr. Newton writes me that he was 24 days going between Rhod Island and New York, *etc.* *Mem.* What letters went by ye post to New York could not be answered sooner than a fortnight being seven days going and seven returning. *Signed, Fr. Nicholson. Copy. 1 p. The whole endorsed, Reed. Jan. 15, 1713.*

524. iv. Governor Nicholson to Governor Craven of South Carolina. Boston, Nov. 3, 1713. *Encloses Commission, etc.* This opportunity by Mr. Saml. Savill is ye first since my arrivall ye 12th of last month. I hope to have the honour of seeing you in your Government next summer, *etc.* I hope you'll lett me know whereby I may be enabled to do H.M. any service in your Government. I likewise desire you will send me an accot. of ye condicon of your Government as likewise what accot. you have of ye Bahama Islands. P.S.—I have discoursed Mr. Savill about ye French settlements on ye Messascipi River and shall be glad to know from you ye particulars of that affair. I think it concerns your Governmt. to have as just and full accot. about ye settlmt. of ye said river either by French or Indians as possible you can and if I can be any ways serviceable in that affair it shall be readily done by, *Signed, Fr. Nicholson. Same endorsement. Copy. 1 p.*

524. v. Governor Nicholson to the Lords Commissioners of the Admiralty. Boston, Dec. 11th, 1713. *Encloses papers relating to Capt. Caleb Wade, H.M.S. Adventure. Continues:—*I considering our arrivall here so late in the year, with the ways I found Capt. Wade intended to have taken, by either going to the West Indies or wintering here, not being able to go from hence to the northwd. or returning from the West Indies before Aprill, that he would want pilots to all places except Newfoundland and Virginia, that the *Adventure* drew too much water to go over the barr to Charles Town, (the seat of the Governmt.) in South Carolina, as likewise among the Bahama Islands, that it was dangerous for the said ship to go to Annapolis Royall and along the coast of Nova Scotia, except in summer time, that provisions here are and likely to be very scarce and dear though I should fail in my duty to Her most sacred Majestie, if I did not do what in me lay for the sd. Capt. Wade's returning with H.M. ship as soon as possible to Great Britain in order to receive your Lordships commands. I shall endeavour (God willing) to discharge the trust H.M. has been pleas'd to honour me with, without putting H.M. to the great charge of such a frigot, for if she had stayed to have carryed me to the severall places in my Commission mencon'd I suppose it would have taken up two years more to have accomplish'd it, but I hope to do it in less time,

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though it will be much more troublesome and chargeable to me, but those things shall never govern me. *Asks for* their orders to the frigots attending the several Governments to transport him as H.M. interest shall require, *etc.* *Asks that* Capt. Wade may not be given full credit in any charges he may bring without his having the opportunity of justifying himself, *etc.* The principall thing which I intend is, that H.M. might not be put to 5 or 6000*l.* a year charge upon my acct. (which I suppose the *Adventure* would stand in) when I can transact H.M. affairs without it, *etc.* *Signed, Fr. Nicholson. Same endorsement. Copy. 2 pp.*

524. vi. Governor Nicholson to the Board of Ordnance. Boston, Dec. 11, 1713. I am very much concerned that there have been such differences at the garrison of Annapolis Royal, between Col. Vetch, Mr. Vane and Mr. Hutchinson *etc.* *Encloses* papers concerning them. I think that unless those gentlemen should appear before your Honours to make out their accusations against one another, you will not be able to know the full truth of them. I have spoke to Col. Vetch and Mr. Borland to let me have the muster-rolls and accounts of provisions, *etc.* Col. Vetch designs for Great Britain in the spring, *etc.* Col. John Redknap is by this opportunity designed to wait on your Honours and will give you an acct. of Annapolis Royal, *etc.* P.S.—I am now examining the accots. of Ordnance stores, *etc.* *Signed, Fr. Nicholson. Subscribed.*

524. vi. (a) Inventory of stores of war at Boston intended for the Canada Expedition. *Signed, Andr. Belcher, Commissary. The whole endorsed, Recd. Jan. 15, 1713. Copy. 2 pp.*

524. vii. Governor Nicholson to the Commissioners of Customs. I am heartily sorry that the first time I have the honour of writing to you [*is*] upon so ungratefull a subject as that of the *Tiverton* galley. *Encloses papers and asks for directions, etc.* H.M. immediate service here not permitting me to go to the southward this winter, Esq. Birchfield is gone to New York and from thence for Maryland, and I hope he will perswade Judge Mompesson to go with him thither, that Gent. being esteemed the best lawyer in these parts, and I heartily wish he could go for Great Britain because I believe it would conduce to H.M. service, in particular concerning H.M. Revenue, *etc.* Capt. Charles Brown, H.M.S. *Reserve*, now designed for Great Britain, was here when the affair of the *Tiverton* galley happened. I think it would be for H.M. service that the Capts. of H.M. ships had a power from your Honrs. about illegall trade, *etc.* *Commends Capt. Brown. Signed, Fr. Nicholson. Same endorsement. Copy. 2½ pp. [C.O. 217, 1. Nos. 15, 15 i.-vii.; and (without enclosures) 218, 1. pp. 86-89.]*



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**525.** Mr. Solicitor General to the Council of Trade and Plantations. *Report upon Acts of Pensylvania (v. Aug. 3) (1)* As to the Act for ascertaining the rates of money for payments of debts and preventing exactions in contracts and bargains made before May 1st, 1709, passed in Pensylvania Oct. 14, 1708, I can't but take notice of a clause therein, whereby 'tis enacted that the prices of all goods, wares and merchandizes whatsoever, shall after May 1st, 1709, be computed at  $\frac{3}{4}$  of the sum and no more which the seller would have taken for them, if no change had been made in the currency of their coins by H.M. Proclamation of June 18, 1704; and the British Act of 6th of her present Majesty for the ascertaining the rates of foreign coins in H.M. Plantations; which clause may not only be the foundation of many disputes, but may possibly render H.M. proclamation and the British Act which were intended to make the foreign coins go at the same rate in all H.M. Plantations ineffectual; because by lowering the price of goods  $\frac{3}{4}$  in Pensylvania, in consequence in respect to the other Plantations the coin there will be raised to the old value; and therefore whether this is a sufficient reason for repealing this Act, I must submit to your Lordships. As to the Act for *establishing Courts of Judicature* passed in Feb. 1710, I conceive there are several things in it not proper to be established as law. I can't see any occasion for erecting such a Supream Court of Judicature as therein is mentioned; since Justice as to all the particulars mentioned in this Act is already administred in Pensylvania in Courts which this Act calls inferiour Courts; and those are still to continue; only this Court to be erected is to draw from them what business they think proper by certioraries, writs of error, habeas corpus etc., which will only multiply suits, or make proceedings at law more dilatory and expensive. The Justices of Peace have a power given them to make persons find sureties, for threatening any person in body or estate; and yet 'tis not required the charge should be on oath or affirmation which leaves a very arbitrary power in the Justices. In that part of the Act which enacts several laws of Great Britain to be observed there, 'tis enacted that the Act of 8 and 9 W. III. for preventing frivolous and vexatious suits shall be put in execution in Pensylvania as far as circumstances admit. What is meant thereby I can't apprehend; but it seems very improper to say an Act shall be observed as far as circumstances will admit. In relation to the proceedings in Equity; there is a clause, that they shall determine nothing determinable at common law; nor try any fact arising on hearing the cause but send it to an issue at law. Which I apprehend must make proceedings in equity insufferably dilatory and multiply tryals at law in the plainest cases to no manner of purpose, for which reason I am humbly of opinion that this Act ought to be repealed. As for the Act for *regulating and establishing fees*. I should have no objection against it, did it not establish as well the fees of officers of the Supream Court and Sessions of the Peace and Court of Equity erected by the Act for establishing Courts of Judicature, as fees of other officers. And therefore if your Lordships should be of opinion to advise H.M. to repeal that Act, 'twould look odd in

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this to have the fees of a great number of officers mention'd to be established ; whereas there will be no such officers if that Act is repealed. As to the Act *for acknowledging and recording of deeds*. There is a clause therein whereby 'tis enacted, that every deed or conveyance (other than leases for 21 years or under) heretofore made for any lands, tenements or hereditaments in this Province not yet acknowledged or proved nor recorded, which shall within 5 years after March 25, 1711, be acknowledged or prov'd and recorded as therein is mentioned, and all such deeds etc. as had been at any time since Jan. 12, 1705 acknowledged or proved and recorded as that Act directs should take effect from the time of the signing and sealing and be good and available in law. By which 'tis implied that without the aid of this Act, such deeds are not good ; and then this Act will make them good by a retrospect which may prejudice innocent purchasers and creditors. As to the Act *directing an affirmation to such who for conscience sake can't take an oath*, I find that the 4th Dec. 1711 the then Lords Commissrs. of Trade made a representation to H.M. to disallow an Act of this nature (possibly this very Act) passed in Pennsylvania because the affirmation therein differed materially from the affirmation enjoyn'd the Quakers by Act of Parliament here ; and particularly in that the name of Almighty God was not mentioned, and because a Quaker might give evidence in criminal matters on his affirmation ; which objections hold against this Act now transmitted : and taking such affirmation is likewise to qualifye any magistrate. As to the Act of *privileges to a Freeman*. Such an Act formerly passed was repealed, because it interfered with the Act of 7 and 8 Wm. III. for preventing frauds and regulating abuses in the Plantation Trade, and tho' this present Act has added a saving to the Admiralty Courts, yet I am apprehensive it still may interfere with that Act ; and I can't well see what occasion there is for this Act since by the laws already in being the Freemen are entituled to all the privileges mentioned therein. As to the act *against riotous sports, plays and games*. It restrains persons from several innocent sports and healthy diversions, and the penalties in it are too general, and therefore I humbly conceive it ought to be repealed. As to the Act *for priority of payments of debts to the inhabitants of this Province*. I apprehend among traders in point of reason all persons who give credit to and make contracts with others should stand on the same foot as to the point of recovery of their debts, and I conceive that such a preference of creditors as is given by this Act may prejudice all the subjects of Great Britain who deal with the inhabitants of Pennsylvania, and therefore that this Act ought to be repealed. As for the Act *for regulating party walls and buildings in Philadelphia*, it gives to the Mayor and Court of Aldermen of Philadelphia a power to determine differences about party walls and buildings, and to give damages ; after which the party may sue for those damages in any Court of Record and judgmt. there given shall be definitive ; on which I observe, that the giving a new suit for the damages after the Mayor and Aldermen have awarded the same ; seems a round about way, and only multiplies suits. In the next

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place if a new suit is to be allowed, there ought to be allowed an appeal to H.M., which is disallow'd by this Act. As to the Act *for laying a duty on negroes, wine, rum and other spirits, cyder and vessels*. Tho' this Act will expire March 10th, 1713; yet I submit to your Lordships' consideration how far it may be proper for them at Pensylvania to lay a duty on negroes, wine, rum all shipping, *etc.*, and how far it may affect H.M. subjects here of which your Lordships are most proper judges. An Act *confirming patents and grants*. This Act confirms lands granted by old grants, before Wm. Penn had the Government, and new grants since; with a proviso that this Act shall not confirm any lands took up by old grants and not duly seated or improved by the grantees before 1682, and yet for anything appearing to me, who have not the former Acts, such old grants might be good; and if so, then if Penn has granted those lands since his last grant is confirm'd by this Act, and the old grant avoided. The proviso wherein 'tis said the proprietor shall not be thereby obliged to make good to any purchaser a right to unlocated lands who in advertency or by misinformation did or may obtain a patent or confirmation of lands which are discovered to be the prior right of another person further or any more than the same quantity of lands in the next advantageous place, that such purchasor shall chuse and discover to be vacant and free from all other claims, seems unreasonable because, if no such land can be found, the purchasor is to have no satisfaction for his purchase. As to the Act *for better Governmt. of the City of Philladelphia*. This Act inflicts 5s. penalty on persons riding a gallop; and 10s. for persons trotting with drays or their teams in their streets, and 5s. for suffering a dogg or bitch to go at large; or firing a gun without license or if a negroe be found in any of the disorderly practices or other misbehaviors, he may be whipt 21 lashes for any one offence or committed to prison, which words "other misbehaviors" are very uncertain, and give very arbitrary power where the punishment is great. As to the Act *for empowering religious societies to buy, hold and enjoy lands, tenements and hereditaments*. There is a clause in it which confirms all sales, gifts or grants to them already made, which having a retrospect may be very prejudicial to purchasors, creditors and other persons, and therefore I apprehend 'tis fit to be repealed. A *supplementary Act to a law about the manner of giving evidence*. This is lyable to the same objections as the Act *directing an affirmation etc.* An Act *to prevent the importation of negroes and Indians into this Province*. How far this Act may interfere with the British interest as to their trading in negroes your Lordships are most proper judges. But I observe, this Act gives a power to break open houses to search upon suspicion of negroes being there generally, which extends to night as well as day, which power is rarely admitted by our law in offences of an inferior nature. A *supplementary Act to an impost Act laying a duty on negroes, rum, wine, spirits, cyder and vessels and appropriating certain sums of money arising by the same and other publick stocks of this Province*. This Act depends on the impost act and ought to have the same



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determination concerning it. *Enumerates 12 Acts to which he has no objection.* An Act for the further securing the administration of the Government. An Act of this nature was repealed before upon a representation of the then Lords Commissioners of Trade Sept. 8, 1709, that the Governor might elude the Queen's power of approving a Lt. Governor as long as the Proprietor should think fit to continue the Government in the hands of the President and Council, which mischief seems to be remedied ; because the power vested in the President and the Council by virtue of the proviso in this Act continues but six months, which is the time appointed for the Governor to nominate a Lt. Governor ; and from thence till the Queen's pleasure is known. *Signed, Robt. Raymond. Endorsed, Recd. 22nd Dec., 1713, Read, 13th Jan. 1714.* 12 pp. [*C.O.* 5, 1264. No. 140 ; and 5, 1292. pp. 395-407.]

Dec. 25. **526.** Petty expences of the Board of Trade. Stationer's account and postage. Midsummer to Christmas, 1713. *Endorsed, Jan. 20, 1714.* 7 pp. [*C.O.* 388. 76. Nos. 157-162.]

Dec. 26.  
Jamaica.

**527.** Governor Lord A. Hamilton to the Council of Trade and Plantations. I think it my duty to give your Lordships some short account of the proceedings of our new Assembly, which mett Nov. 26th and satt till ye 24th inst. when they desired a recess for three weeks, which I accordingly granted them upon ye motives they made use of to me in their message. (*Refers to Minutes of Council and Assembly*). Your Lopps. will see ye sessiones began with a favourable aspect, and if the same temper and moderation has not continued, your Lopps. will best judge to whom to impute ye same from ye following facts. Mr. Brodrick Speaker of ye late Assembly finding a mighty clamour made in ye House against providing for H.M. officers and soldiers for one year, as usuall, and that several members absented themselves from ye service of ye House on that pretence, came to me with some others of ye well disposed members and proposed for an expedient that ye title of ye sd. Bill should be, *for raising a fund to provide an additional subsistence for H.M. officers and soldiers now in this Island under pay from Nov. 1st, 1713-May 1st, 1714, if ye Regiment here in pay shall so long continue in this Island, and from May 1st, 1714 to Nov. 1st, 1714, for the paying of and discharging the arrears of subsistence which through ye falling short of ye fond raised for ye purposes aforesaid remain due and unpaid.* To which I at last consented, believing this overture might have given satisfaction to ye most prejudiced member of that House ; however it had no such effect, for neither by this nor any other means they could be brought to a moderate temper, which occasioned their dissolution. Mr. Brodrick being afterwards with a good deal of opposition chose a Member for this present Assembly, but finding ye rest of ye elections not answering his expectations, he thereupon disqualify'd himself from sitting in ye House, and as soon as ye Assembly mett came to me and resigned his patent for Attorney Genll. and all other offices of honour and trust he enjoyed in this Island, which upon his pressing instances I

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thought fit to accept. The Assembly afterwards ordered several persons to be taken into ye custody of their Messenger for having shown ye title of ye intended Act above mentioned, at ye elections, amongst whom were Mr. Brodrick and ye late Clerk of ye Assembly. *Refers to Journal of Assembly.* The mighty bussel ye House makes there about a paper of ye propper hand writting of Col. Brodrick, was nothing els then the title of ye Act above-mentioned, which they have not thought fit to enter in their Minutes, tho' they have said in these words vizt.—Several of H.M. subjects were kept a considerable time in custody of their Messenger about this paper ; but were at last discharged paying pritty exorbitant fines, under ye name of fees. I am perswaded your Lopps. will be pritty much surprized at ye reading of their Minutts on ye inclosed printed paper, which was most industriously handed about at ye elections ; I shall not trouble you with any observations on the sd. paper, or the Minutts of ye House in relation to it, but leave ye same to your Lopps.' better judgements. Upon ye Assembly's insisting on a right to view the fortifications, I consented they should be admitted to view ye same ; but in ye manner your Lopps. may observe (*Journal of Council*). In *p.* 30 your Lopps. will observe a very extraordinary message from ye House to ye Council in relation to Major Cooke. The answer given to it I hope will be intirely satisfactory to your Lopps. Your Lopps. will find in page 32 and 33 ye hard treatment Mr. Brodrick has mett with from this Assembly, they having had no manner of prooffe whereon to ground ye oppinion they their gave of him. On the contrary Mr. Brodrick had been attacked by one Mr. Pughe, in which accusation every thing was sett forth that his enemys could alledge against him ; but he was honourably acquitted of each article of ye sd. charge before myself and ye Council, nim. con., besides my Lords after what I had signify'd to them of his having resigned all ye offices of honour trust and profit he enjoy'd in this Island, the instruction they gave immediatly afterwards (*p.* 35) to their Committie is in my oppinion pritty extraordinary. As is likewise their message to me (*p.* 36) in relation to their taking upon themselves (without first making due application to me) to order some of their members to view and number H.M. Regiment here ; but upon my answer they sent a message (*p.* 38) which in express words contradicts their former. In *p.* 40 your Lopps. will perceive an Address agreed to by ye Council and Assembly to H.M., against an exclusive trade to Affrica, which they press'd me to have join'd with them in ; but I told them as in *p.* 38 that I was of oppinion ye said Address would do them no manner of service, all that could be said on that subject having been allready represented fully, therefore I would not concurr with them in it, and hope in due time to receive your Lopps.' approbation for soe doing, especially ye Assembly not having addressed H.M. upon ye happy conclusion of the Peace, which I hoped would have been ye first address they wou'd have desired me to concurr with them in. It remains only for me to give some accot. of ye Bills which ye Assembly have past, and sent up to ye Council, *etc.* As to ye Bill for quieting

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*possessions*, the Council have made some amendments to it, which I hope will make ye same not lyable to any of the objections of ye Attorney Genll. as formerly. The soliciting Bill is short ; but in my humble oppinion contains a great deal, it altering intirely the constitution of this Government, and lodgeing ye power in a juncto of 3 of ye members of their own House. Your Lopps. may be assured I have too much zeal for ye support of H.M. authority ever to pass that Bill as it now is, or any other fram'd after that plan. The Bill allready sent home for separateing ye offices, has either obtain'd H.M. allowance, or it has not, if it has, then this new Bill is unnecessary, and if it has not I conceive it irregular to pass a new law till H.M. pleasure is authentickly known on ye former ; but if that should proove to be a disallowance, it is then undutifull, to importune H.M. without new matter and reasons, which they have not shown in their new Bill. The Bill *for raising an additional subsistance to H.M. officers and soldiers*, is ye only one I have as yett past ; they have retrincht ye officers. However I thought it expedient to consent to ye same before ye adjournment. I hope your Lopps. will excuse wherein I have been defective in this accot., having but just as ye sessions opened got out of my bed from a severe fitt of sickness, and have continued very much indisposed ever since. *Signed*, A. Hamilton. *Endorsed*, Recd. 22nd Feb., Read 16th June, 1713. 8 pp. *Enclosed*,

527. i. An account of the greivances of Jamaica, touching the multiplication of offices, in the person of Mr. Richard Rigby. *Quotes Act to prevent any one person from holding two or more offices etc.* and the proceedings of Messrs. Aylmer Beckford and March in connection therewith. *v. supra. Endorsed as preceding. Printed.* 7 $\frac{1}{2}$  pp.

527. ii. List of Bills passed and sent up by the Assembly of Jamaica, Dec. 1713. *Same endorsement.* 1 p. [*C.O.* 137, 10. Nos. 50, 50 i., ii. ; and (without enclosures) 138, 14. pp. 110-118.]

Dec. 26. **528.** P. Vanderheyden Rézen to the Directors of the Dutch  
Jan. 6. West India Company. *Signed*, P. Vanderheyden Rézen. 9  
Fort closely written pp. *Dutch. Enclosed*,  
Kykoeverall, 528. i.-vi. Lists of requirements, accounts *etc.* *Dutch.* [*C.O.*  
Rio Essequebe. 116, 21. Nos. 10, 10 i.-vi.]

Dec. 29. **529.** Jeronimy Clifford to Mr. Popple. Encloses following,  
Queen's Bench and owing to want of money begs to be allowed to do his business  
Rules. without a solicitor, *etc.* *Signed*, Jer. Clifford. *Endorsed*, Recd.  
30th Dec. 1713, Read April 14th, 1714. 1 p. *Enclosed*,

529. i. Jeronimy Clifford to the Council of Trade and Plantations. Dec. 29, 1713. Mr. Atkinson presented my petition to the Queen through Mrs. Marsham, I am directed to apply to the Lds. Commrs. of Trade, *etc.* *Encloses* following and prays for relief, *etc.* *Signed*, Jer. Clifford. 2 $\frac{1}{4}$  pp.



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529. ii. Petition of Jeronimy Clifford to the Queen, Jan. 5th, 1713. Prays for H.M. effectual orders for his relief in his claim against the Society of Surinam, according to Order in Council July 9, 1705 (*q.v.*). *Signed*, Jer. Clifford. 1 *p.*
529. iii. The case of Jeronimy Clifford. *Printed*, March 26, 1711. 32 *pp.*
529. iv. Abridgement of preceding. *Signed*, Jer. Clifford. 30 *pp.*
529. v. Account of money due from the Society of Surinam to Jeronimy Clifford. Dec. 29, 1713. *Signed as preceding*. 5 *pp.*
529. vi. An account of Mr. Clifford's proceedings in the case, to Feb. 16, 1697. *Signed*, Jer. Clifford. 31½ *pp.* [*C.O.* 388, 76. *Nos.* 164, 164 i.-vi.]

Dec. 29.  
Virginia.

**530.** Lt. Governor Spotswood to the Council of Trade and Plantations. It was with great satisfaction that I received some days ago by the way of New York, the honour of your Lordps. of the 27th Aug. 1712, April 23rd, July 15th and 20th, 1713, which give me the pleasure to find my administration approved by your Lordps. The General Assembly of this Colony which was sitting when I writt last to your Lordps. broke up the 12th instant, after having concluded their session in such manner as I hop'd for from the promising beginning they made. Time will not permitt me to send by this conveyance the Journals and Laws; I shall therefore confine this letter to the subject matter of two Acts pass'd this session (copys inclos'd), which are not to take place till a twelve moneths hence. The Act I now send, declaring *what shal be accounted a sufficient seating, planting and cultivation of land, etc.* is almost the same with that draught I sent your Lordps. last year, and which your Lordps. were pleased to approve as well suited to the circumstances of this countrey. I shall here mention the several additions to this Bill, which I hope will be judged equally reasonable. That part of the Act, which allows two thirds of all lands heretofore surveyed to be accounted barren, and one third only plantable will touch very few tracts; for as the conditions of seating and planting mentioned in former laws upon which all patents issued before my coming into this Government, were much more easy, this regulation will only extend to the few tracts granted since my Proclamation, wherein the proportion above mentioned may be look'd upon as generally agreeable to the truth of the case; and if new surveys had been directed (without which the quantity of each kind of land could not be known, nor inserted in the patent) it would only have proved burthensome to the people, without any advantage to H.M., or answering better the intent of the Instruction. The indulgence granted by another clause of this law to the persons who took up and surveyed lands before H.M. Instructions were publicly notify'd, was absolutely necessary for quieting the minds of those people, who thought their rights and the constitutions of the Government invaded by refusing them patents

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upon the terms of the laws in force at the time of making their surveys ; and many perswaded themselves that if it came to be disputed before a Court of Judicature, those lands must have been determined to be their right : but now the allowing them two years more after the date of their patents for making the cultivation and improvement required by this law, has given them all entire satisfaction, and I'm well assured will prevent all future uneasiness in the country about the new terms of granting lands ; a benefite wch. ought to outweigh the small favour granted them by this Act. The draining of marshes, swamps, and sunken grounds, is by this Act made one kind of improvement, and is like to occasion a considerable benefite to the Crown as well as to the subject. Hitherto those kinds of ground (of which there are here great quantities) have been neglected and made only a range for cattle and hoggs of the neighbourhood, no man pretending to patent it, or to be at the expence of paying quitt-rents for the same : but now that the draining thereof is declared to save a proportionable quantity of high lands, people will thereby have the opportunity to discover that such grounds once drained will become both for planting and pasturage the most valuable land in the Colony, but which means it will come to pass, that all that sort of land will be greedily sought after and taken up, and in a short time well cultivated and the quitt-rents duly paid, tho it now yields no profite either to the Queen or the subject. By this law also persons taking up land and being unable to comply with the cultivation required by their patent, are not (as formerly) to lose their whole tract, but only so much as they have not made an improvement sufficient to save. This seems very just, that a man who has done his endeavour to save his tract of land by considerable improvements, should not for default of cultivating, perhaps only half an acre, less than his complement forfeit his whole land with all his improvements to any one that should be so malicious to informe agt. him : so that I hope this part will meet with no objection, especially if your Lordps. will be pleased to observe this proviso contrived on purpose to follow immediatly after this clause, explaining what seem'd doubtfull in the former laws, that all lands whatsoever are now lyable to be forfeited for non-payment of the quitt-rents. This is the substance of the several alterations and additions in this law and the reasons upon which the same are founded. It remains that I beg your Lordps. will be pleased to lay the same before H.M., that I may receive the signification of H.M. pleasure thereupon as soon as may be, because I find people are willing to delay the taking out their patents till they see the event of this law. I gave your Lordps. an account in my last of some preparatory steps towards the Act (herewith sent) *for preventing frauds in tobacco payments*. After the many discouragements which that trade laboured under both here and in Great Britain it was necessary to enquire from what root so many evils did proceed : This has been judged, to be owing to the ill management of tobacco here ; many people making it for no other end than to pay off debts and levys, for which purpose they think it good enough, how mean soever it be ; and others

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making such a sort as several of the outport traders in Great Britain most eagerly seek after (especially of late) and seing housesweepings and the worst of trash is a sort too, which they come hither to purchase, and that they have been known to pour salt water upon such tobacco so soon as they have gotten it on board, it may be reasonably suspected that what they carry hence rather diminishes than increases the duty at the Customhouse, and serves for no other use than vile practices, whereby the staple commodity of this country has been brought into disesteem and the marketts thereof entirely ruined in Europe. This law therefore by obliging all planters to have their tobacco view'd by a sworn officer, in the manner your Lordps. may observe more fully from the several parts of the Act, has made provision against the exportation of all such trash as is said to be allowed by the Customhouse officers in the outports as damaged tobacco, and thereafter frequently re-exported with the benefite of the drawback ; and thus it is hop'd the reputation of Virginia tobacco may be retrieved, when none but such as is found to be worth paying the duty at home, shal be sent to the forreign marketts. It has likewise very justly provided against the passing bad tobacco in any manner of payments within this Colony, so that H.M. quitt-rents, officers sallarys, and all the publick credit will hereafter be raised, by so much as is the difference between trash and good tobacco : for as I have before remark'd, it is the general notion of the country that the worst sort is good enough for these purposes. Besides the convenient method that this Act establishes for the making all payments by the Agents' notes, which are to pass like Bank-bills, will give an oppertunity to collect the quitt-rents at a cheaper rate than hitherto they have been. The main design of the Port Act, which was recommended to my predecessor Governor Nott to endeavour to gett pass'd, is I presume compassed by this Act ; since that ships will by means thereof be hereafter loaded in half the time they are now, and that the Collectors and Naval Officers may certainly know to a hogs-head the tobacco that is shipd home to Great Britain, and to a pound that which is exported for the Plantations. What I have had at heart, and what I have in a former session in vain attempted vizt. to make the benefices of the Clergy more valuable, and the collecting their incomes more just and easy to them, to the end good and able Divines might reckon it worth their while to come over to supply the churches here, and that they might not be diverted from their studys, as several now are, by running up and down their parishes to gather in their sallary tobacco ; this, I say, is by this Act effectually obtained. Hereby I have in a great measure (I think) cleared the way for a Governor towards carrying any reasonable point in the House of Burgesses ; for he will have in his disposal about fourty agencyes, which one with another are likely to yeild nigh 250*l.* per annum each ; these, my intentions are to dispose of among the most considerable men of the Colony, and principally to gratify with a place, all the members of the Assembly who were for the Bill : by this means the staple of tobacco will have a better security for its perpetual establishment



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and constant encouragement than any other manufacture ; and the propositions of several countys, which are frequently used to be presented to the House of Burgesses for the setting up other manufactures, will not be so favourably heard in that House, when the majority of its members shall be engaged by their interest to advance the making of tobacco chiefly, besides in aiming at this law, I had in view (for I must own myself not only to be principally concern'd in framing the Bill, but even from the beginning the sole author of the scheme) to put a check to some dishonest courses in tobacco payments, which by use were grown so habitual and general, that it was to be feared at long run, there would scarce be found men in Virginia who durst make a law to prevent those fraudulent dealings ; and I was apprehensive of ill consequences, if the vulgar's standard of right and wrong prevaild any longer : for there are a sett of people whom all the meaner sort of planters cry up for honest men, for lovers and patriots of their country, and for friends to the poor, and this general character often sett's them up for candidates in the election feild (where the votes and humors of the lowest mobb do at present decide who shal be the Representatives in Assembly) and also recommends them for tobacco Receivers to merchants and masters of ships who come hither to purchase that commodity : but a few years observation has made me perceive that the vulgar in these parts reckon him only the honest man who inclines to favour their interest ; he is the lover of this country who in all controversys justifys the Virginian, and in all dealings is ready to help him to overreach the forreigner ; hee's the patriot who will not yeild to whatever the Governor proposes, and can remain deaf to all arguments that are used for the raising of money ; and lastly him they call a Poor man's friend, who always carrys stillyards to weigh to the needy planter's advantage, and who never judges his tobacco to be trash. Of this sett of people there was such a number in the Lower house, that it was with some address and great struggle the Bill was gott to pass there ; for tho their understandings be not above the levell of their electors, and that they could not advance one solid argument against it, yet they readily discovered that this Bill was to cutt them out of their popular interest and profitable way of living, and thereupon they opposed it most violently with their Nays. Except this last sort of man with their dependants there are scarce any within this Government, but who rejoyce at this new law ; and your Lordps. may be assured that a very fair scene of benefits is opened to the people here, when the whole Council and all the sensible members of the Lower House unanimously laboured to carry this extraordinary point. I cannot foresee that any objection can be made at home to this law, unless that some may possibly say, that the navigation will be lessen'd by not shipping all the tobacco wch. is made, and that it seems to take off some hands from planting, who may perhaps fall upon the British manufactures : to this I answer that it plainly appears by the Naval Officer's books that of late years, ever since trash has been so abundantly exported, to the ruin of the marketts in Europe, the number of hogsheds

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shipt off has been less by some thousands : for it is well known here that the considerable crop-masters who are able to cloath their familys by what substance they happen to have beforehand in Great Britain, will not drudge on with all their hands at tobacco, when it does not yeild a living price, but employ them in other services, and wait till the markett rises again, besides too the natural consequences of this act will be that hogshheads will not exceed the lawfull standard, that they will be less pressed, and that the tobacco will be less stem'd, whereby the number of tunns must encrease. And as to the rest of the objection, if it should prove true, that any hands fall off from planting, tis evident enough they must be those of the careless idle planters from whom the British manufactures are in less danger than from the carefull industrious planter, if he should be necessitated to take some other course to cloath his family than by making tobacco. I have, My Lords, been the more particular in my observations upon this Act because it is lookd upon to be the most extraordinary one, that ever pass'd a Virginia Assembly, and such an one as those persons to whom I first communicated my thoughts and to whom the temper of these Assemblies are well known, believed I could never have compass'd. I hope your Lordps. will be so well satisfy'd with the honest design of it, and the advantages which in all probability will arise thereby, that it will meet with your Lordps.' approbation, so that it may be put in execution, according to the time it is to commence. I shal not now trouble your Lordps. with the detail of the other proceedings of the Assembly, untill I can send the Journals with the other laws and my observations thereon, wch. I hope to do in a short time, together with the progress of the Treaty with the Tuscoruro Indians, and the new project for securing our frontiers which I'm in great hopes to accomplish this summer ; the Assembly having left it entirely to my management and at the same time impowred me to dispose of a considerable fund both of money and tobacco as I shal think necessary for that service. They have likewise placed a further confidence in me, by allowing me without any controul to finish the Governor's house, and by agreeing that without limiting the sum the charge thereof shal be paid out of the dutys on liquors and slaves. But, My Lords, to gain this trust I have first given them several proofes of my faithfull and thrifty management of the publick funds, and they know that for carrying on the work of the House in the cheapest manner, I am already in disburse the last sum they appropriated which was 900*l.*, and that without interest : and the funds being so far anticipated for other urgent occasions, that it will be a considerable time before I can be repaid, or any more money received for finishing this work. I hope your Lordps. will therefore judge it reasonable that my house-rent be continued, *etc.* Signed, A. Spotswood. Endorsed, Recd. 13th Feb., 171 $\frac{3}{4}$ , Read 3rd May, 1716. 7 $\frac{3}{4}$  pp. Enclosed,

530. i. Copy of Act of Virginia, 1713, *declaring what shal be accounted a sufficient seating, planting, cultivating and improving of lands already granted or hereafter to be taken up and patented.* Same endorsement. 5 pp.

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530. ii. Copy of Act of Virginia, 1713, for preventing frauds in tobacco payments; and for the better improving the staple of tobacco. Same endorsement. 14½ pp. [C.O. 5, 1317. Nos. 20, 20 i., ii.; and (without enclosures) 5, 1364. pp. 276–292.]

Dec. 31.  
Customs house,  
London.

**531.** Mr. Carkesse to Mr. Popple. *Encloses following.* The Commissioners of the Customs desire copies of accounts sent from Virginia concerning that matter, etc. *Signed,* Cha. Carkesse. *Endorsed,* Recd. Dec. 31st, Read Jan. 7th, 1713 (14). *Addressed,* 1 p. *Enclosed,*

531. i. Extract of letter from Edwd. Hill, Collector in the Upper District of James River, Virginia, Oct. 15, 1713. Of late the out-ports have directed their agents here purchasing tobacco to receive none other than trash, discoloured and unmerchantable etc. 'Tis now no longer a mystery; such discoloured tobacco when it comes for England or North Brittain is all allow'd for damage and so no custome paid in. *Refers* to Memorial of Council of Virginia, etc. *Signed,* Edwd. Hill. 1 p. [C.O. 5, 1316. Nos. 101, 101i.; and (without enclosure) 5, 1364. p. 15.]

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**532.** The case of the Inhabitants of the Leeward Islands against Governor Parke. The unhappy inhabitants of H.M. Charribbee Islands (especially those of Antego) labour'd under variety of oppressions during the whole course of Col. Park's government, and in perticular, to the utter subversion of all law and justice, he in person, and with an armed force of soldiers, without any title or colour of process of law entered upon the freehold of Elizabeth Hastings, and maintained the possession afterwards by the said soldiers who declared they had orders to fire the house if Mrs. Hastings opposed 'em, and in most other cases he caused common warrants and civil processes to be executed by soldiers instead of civil officers to ye great terrour of the inhabitants who saw their country lie under arbitrary government and military execution. That to terrify part of the inhabitants and to make others subservient to his wicked designs he engrossed to himself in Chancery the whole judicature of the Island, and thereby the sole disposition of the propertys of the Islanders, that he declared oftentimes in Court that there was no need of a Cheif Justice of the Common Pleas, that there was never a law or statute of said Island in force, that was worth a farthing, that he would have regard to none of them, and that he was resolved to determine everything according to his own opinion, which was well known to be allways sway'd by corruption or resentment, and that by these methods having drawn all causes into Chancery before himself he decreed against all suiters who durst complain of his tyranny, took evidence without an oath, and granted generall and perpetuall injunctions without bill filed to the assistants and accomplices of his iniquities, and afterwards purchased the debts from those whom he had soe injoin'd. That to revenge himself of Mr. Chester (who upon a strong



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suspicion of a lewd conversation with his wife) forbid him his house, he appear'd in person upon a sabbath day at a Coroner's inquest setting upon the body of one Sawyer, that he labour'd the jury, and even put words into the mouth of the evidences against Mr. Chester, and brow [*? beat*] the witnesses on the behalf of Chester, and that when the jury found that Sawyer died a naturall death, and some Justices of the Peace had bailed Chester, Parks showed his resentment for his being bail'd, as before he had expressed his satisfaction to have had him in his power. That he came to Mr. Chester's house with a party of soldiers where some Gentlemen were making merry and drinking the Queen's health, that he kickt one of the Gentlemen, imprisoned nine of them in a dungeon, two of them for only offering to the bail for the others, that he sent for some justices of the peace, (whom he had made for such purposes), and convicted all the Gentlemen of a riot upon the view, tho' some of them were sent to jail before the justices came and fined one of them 600*l.*, which was much more then the person was worth, and the whole summe of the fines amounted to 2,900*l.* That Mr. Chester found Col. Parks lurking in a little conveniency of his wife's bed-chamber, upon which he drew his sword upon Mr. Chester, who was going naked into bed, drove him down stairs and pursued him out into the streets to murder him, and that when he turn'd his wife out of doors, the Governor came up to him and swore that if he would not take her again, he'd ruin him, challeng'd him to fight, and then whistled upon which two grenadiers came up, that then he bragg'd how well prepar'd he allways went, soe scandalously were H.M. troops imploy'd, and her authority abused. That afterwards he came himself with a party of soldiers, and upon pretence seiz'd some cocoa, and other goods of Mr. Chester's to the value of 800*l.*, and that when by an order of the Admiralty Court he should have had his goods again, Col. Parks kept them for a separte maintenance of Mrs. Chester, tho' she never applied to any Court of Justice for it, and upon severall other pretences seiz'd effects of Mr. Chester's to the value of 4,000*l.* That when upon unjust seizures the parties brought replevins, he took the writts from the officers, to leave the persons without any remedy at law. That he said, if any man should dare complain of him he would clap him in a dungeon, and that there were more ways than one to kill a dog, that had he been served as Sir Bevil Granvil was in Barbados, he would have drove the people into rebellion, and seiz'd their estates, and that if the people of Antego gott him turn'd out of his government, he would have their Island in a flame. That to have every man's person and estate intirely in his power, he swore he would have no Marshall that would not return such juries as he directed him, and that he appointed Michael Ayon to be provost marshall, who declar'd that he would shoot any man in the Island through the head upon Col. Park's verbal order, tho' John Perry then did, and still does hold the said office by H.M. letters patents. His unparalleled lewdness was carried on by his authority, and was equally fatal to the relacons of the parties both w[h] his lust found success, and

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w[h]ere it was disappointed. Where their chastity resisted, he attempted to ravish them, found means to deprive their husbands of their employments harrassed them by warrants, imprisonments, and excessive bail, till they were forced to betake themselves to the mountains, and this was the case of Mr. Desowsey, who thro despair turn'd to privatering, and died a beggar leaving a wife and three children, whose wife was tempted with great promises by the said Generall to make no complaints. That the inhabitants observed with great grief that the Governor for three years past refused to convene the Assembly, and that he declar'd that whenever they should meet he would thro such rubs in their way that they should doe no business, which he did effectually at their meeting, and prevented their entering upon business by severall artifices, that the Island of Antego was in no posture of defence, that in the mean time they discovered that he corresponded with the enemy at Martineco, and that under pretence of sending flaggs of truce under the command of known Irish papists, he supplied the enemy with provisions for want of which our Islands were allmost famished, that by a willfull neglect of the fortifications, that by disarming the platforms which only could oppose the landing of the enemy, who were then making such great preparacons, that by ordering the troops to the town of St. Johns which was not defenceable, nor capable of being fortify'd, instead of disputing the enemy's landing, against common sense and the generall opinion of the council of officers; by an affected ignorance in military matters, which sufficiently demonstrated his treacherous designs, they could not but beleive what he had often said, that if it were not for his own and some few friends' sake he would send the Islands to the Devil, and having declared he would fortify his own house only, they justly concluded that he designed to make terms for himself only, and surrender the inhabitants to slavery. That he gave the command of the flaggs of truce to one Bermingham, a traitor whom he knew to be such, and had inform'd the Assembly of his offering himself to assist ye french in landing upon the Island of Antego and who since has actually conducted the enemy to Barbuda, murdered the principal gentleman, and plundered the Island to the value of 10,000*l*. That he has since assisted in a design upon Antigua which was prevented by the *Newcastle* man of warr and upon that miscarriage he carried them to Mounserat. That he was heard to encourage the officers and soldiers and others his partisans who were allready too outrageous, to use violence to the planters, by promiseing them pardon if they committed murder, and assuring them of revenge if they suffered in the cause. That the miserable inhabitants being terrify'd on all sides by the implacable rage of the Governor, by the insolence of his partisans and the soldiery, by ye defenceless state of the colony, the great preparacons of the enemy, and nothing but ruin and destruction in view; they most dutifully applied to Col. Parks to call an Assembly and submitted to what terms and condicons he pleas'd to impose. That tho he complied so farr as to call an Assembly, yett thro his artfull adjournments and prorogacons nothing could

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be concluded upon for the publick safety. The Assembly then resolved once more to wait upon the governor personally (for all addresses and messages in writing were unanswered torn and spurn'd upon by him before the Messengers and Council) to beseech him with their tears to take some care of the Island, to preserve H.M. dominions that he was intrusted with, and to secure their lives and estates, or else to visit some other Islands, and permitt them to defend themselves. And thereupon the Speaker attended him with ye whole Assembly, to give the more weight to the message, but to their great surprize, as they entered the passage to the Council chamber they perceived a party of granadiers with their arms cock't and presented, who told them they only wanted the word to fire upon them, that his Excellency flew into a rage, call'd their humble application for the preservation of the colony a riot, laid hand upon his sword, and threatned their Speaker with irons, and soe prorogued 'em to a short day. That the day before the Assembly was to meet again, the generall betook himself to arms, drew the artillery, arms and ammunition out of H.M. magazine, and planted them agst. the town, intrench'd and garrison'd his house with the troops of the Island, and made it serve as a cittadell to overawe the town. These military preparacons soe alarm'd the whole Island that the inhabitants flockt together in arms to protect their representatives, but design'd not the least injury to the person of the governor, of which they assur'd him by a message carried by ye Speaker of the Assembly and Coll. Gamble and only insisted that for the safety of their lives he should dismiss his troops, and for the security of the Island he should retire out of it. To this they received in answer that he scorn'd to hearken to proposals, or to come to any accommodations, that he had sufficient force to drive all the men in the Island before him, that he resolved to fire that part of the town next him, that he had loaded his canon with cross barr and small shott, and soe disposed 'em as to clear the streets, and that he resolved neither to give nor take quarters. It was then too that to compleat ye measure of their misery they understood for certain that he had promised the plunder of the town to the soldiers, and the estates of the gentlemen they should kill, who thereupon behaved themselves as if they had been in an enemy's country. And to execute all these horrid designs, upon the first appearance of the multitude he caused the canon and small shott to be fired upon them which wounded and killd severall persons. By these desperate proceedings and with these aggravating circumstances ye unhappy people were at last deprived of their reason and being wrought up by despair and revenge did an act for which they must for ever begg God's pardon and H.M. mercy. 3¼ large pp. [C.O. 152, 42. Nos. 105; and (duplicate) 106.]

- [? 1713.] **533.** Petition of Merchants trading to New England and thence to the West Indies to the Queen. There being no man of war in New England to guard their coast they are extreemly exposed to the insults of their enemies and merchants ships



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trading to and from those parts are dayly taken by the French for want of men of war to convoy and secure them. Your Majties. American Islands are in a great measure subsisted by the provisions they receive from New England and they will be exposed to great hardships if the intercourse and trade between those places is obstructed for want of convoys. The Councill and Assembly of your Majesty's colony of the Massachusetts Bay in their Memorial lately delivered with their humble Adresse to your Majesty have desired two frigats for guarding their coast and securing their trade. Petitioners humbly represent that less then one fourth and one fifth rate will not be sufficient for those ends, *etc.* 45 *Signatures.* 1 *large p.* [*C.O.* 5, 752. *No.* 6.]

[1713-1715.] **534.** Treasurer's accounts of duties on wine, rum and European goods. New York, July 1st, 1713-1715. [*C.O.* 5, 1222. *pp.* 1-18.]

1713-1743. **535.** List of Debentures of grant in aid issued to sufferers at Nevis and St. Christophers. [*C.O.* 243, 8. *pp.* 1-668.]

1713-1721. **536.** Copies of powers of attorney, letters of administration *etc.* given by sufferers at Nevis for receiving the grant in aid. [*C.O.* 243, 5. *pp.* 1-502.]

1713. **537.** Commission and Instructions from the Lords Proprietors for Charles Eden to be Governor of North Carolina. (*v.* 4th May, 1713). [*C.O.* 5, 291. *pp.* 1-28.]

[1713.] **538.** *Duplicates* of C.S.P. 1705. *Nos.* 1230 i., iii.; and 1462 ii., v. [*C.O.* 5, 1085. *Nos.* 6-9.] These duplicates are copies supplied to Ministers when the question of *New York Revenue Act* was being prepared to be placed before Parliament (1713).

## 1714.

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Jan. 1.  
Windsor  
Castle.

**539.** Lord Bolingbroke to the Council of Trade and Plantations. H.M. having been pleased to appoint John Hart, Esq., to be Governor of Maryland, you are to prepare his Commission and Instructions as usual, *etc.* *Signed*, Bolingbroke. *Endorsed*, Reed. 2nd, Read 3rd Jan. 17<sup>13</sup><sub>14</sub>. 1 p. [*C.O.* 5, 717. *No.* 54; *and* 5, 727. p. 340.]

Jan. 2.

**540.** Lt. Governor Puleine to the Council of Trade and Plantations. (*Abstract of letter not preserved in inward Letter Book C.O.* 37, 9, *nor entered in Entry Book*, 38, 7.). He arrived at Bermuda, Nov. 12th, and had his Commission read *etc.* the 14th. He's sorry he can't send a more gratefull accot. of the Island, which, however, he has taken care to have correct. Not a penny in the Treasury, but between 800 or 1,000*l.* debt due to particular persons. No acct. yet how things came to this pass. The Island in no condition to raise such a sum and defray the usual charge of the Government. 'Tis unlucky the Island should be now so exhausted, because of the great damages lately done by 2 hurricanes which he particularizes. The Assembly to sit in Jan. He'll lay before them and give accot. what they do on the state of the Island. But one Chancery cause tryed for several years. All the troublesome business left to him by his predecessor, but the profitable taken care of. He'll dispatch what causes are depending. Persons avoid being of the Council—the reason—. Inconvenience thereof. Very little current cash there. As to other riches, such as houses, slaves, *etc.*, they are in a passable condition with neighbouring colonies. Scarcity of coin will make the clearing incumbrances difficult and the fortifications and publick edifices consequently ruinous. He'll be dilligent in his duty. The Assembly's strange proceedings abt. their own members. Mr. Dickinson excluded the last, only for being ungrateful to the then Governor, *etc.*, and upon a re-election refused to admit him, burnt his picture, *etc.*, without any crime laid to his charge. Out of abt. 200*l.* appropriated for a Governor's house, they voted 150*l.* to Sir John Bennet for secret service, which appeared to be Jones's prosecution. This was a breach of their trust upon which he begs speedy directions. His instructions about presents entred in the Council Books. [*C.O.* 37, 24. *pp.* 1, 2.]

Jan. 7.  
Whitehall.

**541.** Mr. Popple to Mr. Carkesse. *Reply* to Dec. 31st. *Encloses* copy of representation from the Council of Virginia; relating to the decay of the tobacco trade. (*v.* Sept. 14, 1713). 1 p. [*C.O.* 5, 1335. *No.* 186; *and* 5, 1364. p. 16.]

Jan. 8.  
Whitehall.

**542.** Council of Trade and Plantations to the Lord High Treasurer. *Enclose* Lt. Governor Spotswood's request for leave to exchange a piece of land *etc.* (*v.* June 30, 1713). This exchange

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will be an advantage to the Governor, and no disservice to H.M., provided care be taken that the equivalent to be given to Col. Ludwell do not exceed the value of the lands he shall make over to the Governor, and we conceive it may not be improper the same be referred to Col. Nicholson.  $2\frac{3}{4}$  pp. [C.O. 5, 1335. No. 187; and 5, 1364. pp. 19-21.]

Jan. 8.  
Whitchall.

**543.** Council of Trade and Plantations to the Lord High Treasurer. We find the allegations in Col. Philip Ludwell's petition (*v.* Dec. 4, 1713) to be true. And we have no objection why H.M. may not direct Col. Spotswood to allow the payment of £250 accordingly. 2 pp. [C.O. 5, 1335. No. 188; and 5, 1364. p. 22.]

Jan. 9.  
Bermuda.

**544.** Lt. Governor Pulleine to the Council of Trade and Plantations. I am extreemly sorry for ye occasion of troubling you again, by this conveyance, but ye cas is so urgent in it's nature, and pernicious in it's consequence, that I can't in duty avoid it, *etc.* The Spaniards, from several of ye ports, here in ye North Seas, arm out sloops with commissions to seize all English vessels in which they find, any Spanish money (even to ye value of but ten peices of eight), any salt, cacao, or hides, for wch. reasons any vessels that trade in these parts, from port to port, are certainly prizes, if they can overpower them, having one or other of these commoditys always aboard 'em. This Island has already had three vessels thus taken, since ye Peace, and they even apprehend their total ruin, if your Ldships. don't interfere, by our Embassadour, at ye Court of Spain, to gain them reparation, and that, very suddenly: For, we know not what remedy to apply against people, that make daily captures of us, in ye midst of a Peace newly concluded; for which reason, we might hope, it wou'd have been better observ'd. I most humbly entreat your Lordships to let me hear something encouraging from you on this head, to keep this poor Island from desponding; for they are in ye uttmost consternation. *Refers to enclosure*, the rest haveing not given in their complaints: but I expect it from them daily. I hear likewise, of several other vessels taken belonging to other collonys; but that being no business of mine, shall say nothing further to it, *etc.* P.S. Since my concludeing this letter, one Mr. Jones has brought the enclosed complaint, *etc.* I am afraid if some speedy care be not taken; your Lships. will have frequent occasions of being teaz'd with things of this kind, to ye great sorrow of H.M. subjects here. *Signed*, Henry Pulleine. *Endorsed*, Recd. 22nd, Read 23rd Feb. 17 $1\frac{3}{4}$ . 2 pp. *Enclosed*,

544. i. Deposition of Samuel Sherlock, master of the *Samuels* sloop of Bermuda, owned by Samuel Smith and Samuel Sherlock, and Bermuda built. May last deponent sailed from the Port of Pensilvania for Crooked Island in the West Indies. About three leagues distance from the same, he was seized as prize by a Spanish privateer, Lewis Martell, commander, who said he had a commission from the Governour of Snt. Tiago (being on the Island



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of Cubia) to take all vessells that had braseletta, logwood and salt. The *Samuells* had a cargo of 700 bushels of salt, *etc.* *Signed*, Saml. Sherlock. Bermuda, Jan. 4, 17 $\frac{1}{4}$ . *Same endorsement. Sealed.* 1 p.

544. ii. (a) Deposition of Francis Jones, of Bermuda, merchant. Jan. 11th, 1713(-14). The sloop *Swan* belonging to deponent and Thomas Jones sailed in Sept. for St. Thomas, Curacao and Bonaire, and was taken off Bonaire, Oct. 18th, last, with cocoa on board.

544. ii. (b) Deposition of John Williams, mariner, of Bermuda. Jan. 9, 17 $\frac{1}{4}$ . The sloop *Swan* whilst riding at anchor in the Rode of Bonaire (an island belonging to the States General of the United Provinces) where she intended to take in salt, was seized by a sloop under Spanish colours, the masters and mariners whereof pretended that they had a commission from the Govrmt. of Porto Rico, but that they had lost the same. The *Swan* was carried to Porto Rico and condemned as prize. The master and mariners pretended to justify their seizure for this cause only, that she had on board 7 bags of cocoa nuts (taken on board at Curacao), *etc.* *Signed*, John Williams. *The whole endorsed as preceding.* 4 pp. [C.O. 37, 9. Nos. 27, 27 i., ii.; and (without enclosures) 38, 7. pp. 185-188.]

Jan. 10.  
Windsor  
Castle.

**545.** The Queen to Governor Lowther. Recalling him from the Government of Barbadoes. *Countersigned*, Bolingbroke. *This letter was cancelled.* v. Feb. 7th. [C.O. 324, 33. pp. 20, 21.]

Jan. 11.  
Queen's Bench.

**546.** Jeronimy Clifford to Mr. Popple. Enquires result of his letter of Dec. 29, *etc.* *Signed*, Jer. Clifford. *Endorsed*, Reed, 12th Jan., Read 14th April, 1714. *Addressed.*  $\frac{1}{2}$  p. [C.O. 388, 76. No. 165.]

Jan. 12.  
Whitehall.

**547.** Council of Trade and Plantations to Lord Bolingbroke. Enclose following. We are preparing the necessary Instructions, *etc.* *Annexed*,

547. i. Draught of Commission for John Hart to be Governor of Maryland. *In the usual form.* [C.O. 5, 727. pp. 340-361.]

Jan. 14.  
Whitehall.

**548.** Mr. Popple to Lt. Governor Spotswood. *Acknowledges* letters of June 30, Aug. 17, Sept. 14, and Nov 16, 1713. The multiplicity of business now before their Lordships prevents their answering by this conveyance, however they intend to do it as soon as possible. In the mean while I have only time to acquaint you that their Lordships have made reports, upon your desire of exchanging lands, *etc.* (v. Jan. 8). Your letter with a representation from the Council of Virginia, relating to the tobacco trade, (v. Sept. 14, 1713), will be considered, and I

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doubt not but such remedies will be proposed as ye nature of the thing does require. 2 pp. [C.O. 5, 1335. No. 189; and 5, 1364. p. 23.]

Jan. 14.  
Whitehall.

**549.** W. Popple to Governor Hunter. *Acknowledges* letters of July 18 and Sept. 10. *Continues* :—The great hurry of business their Lordships have had since the Peace (and which is not yet over) renders it impossible for them to answer your said letters by this conveyance; they intend to do it therefore by the first opportunity. I will not fail to lay before them the several particulars you write me, and I doubt not but they will represent the same as you desire to her Majesty. I hope, the Bill to settle the Revenue at New York, will pass this session, whereby you will be made more easy, and that people more sensible of their duty to H.M. It was ordered to be done the last year, but there was not then time for it. [C.O. 5, 1123. pp. 134, 135.]

Jan. 14.  
Whitehall.

**550.** Mr. Popple to Governor Dudley. *Acknowledges* letters of Aug. 24th, 25th, 1713. *Repeats first sentence of preceding.* [C.O. 5, 913. p. 462.]

Jan. 15.  
Annapolis  
Royall.

**551.** Capt. Aldridge to Col. Nicholson. We arrived here 19th Dec., etc. Lt. Govr. Caulfeild continues to act according to your Excy's. instructions which will be much for ye King's interest and ours etc. Our companys have all taken ye oaths to King George without the least hesitation, the French inhabitants have every man refused it. Your Excy's. notions of them is very just for they are a pack of notorious villains in genll. and not to be trusted if they had taken five thousand oaths. Our men are all in perfect health, which is a very great blessing we having not so much as a plaister for a cutt finger in ye garrison which I hope your Excy. will remember, etc. *Signed*, Chris. Aldridge. *Endorsed*, Recd. 6th June. Read 6th Sept. 1715. *Copy.*  $\frac{3}{4}$  p. [C.O. 217, 2. No. 7.]

Jan. 15.  
Whitehall.

**552.** Mr. Secretary Bromley to the Council of Trade and Plantations. Encloses following for their report. *Signed*, W. Bromley. *Endorsed*, Recd. 18th, Read 21st Jan. 17 $\frac{13}{14}$ . 1 p. *Enclosed*,

552. i. Envoy of Holland to the Queen. London, Jan.  $\frac{13}{14}$ , 17 $\frac{13}{14}$ . *Repeats* petition concerning the estate of Williamina Kupius (v. Oct. 1st). *Signed*, M. Van Borssele, Van der Hooghe. *French.*  $\frac{23}{4}$  pp.

552. ii. English version of preceding. [C.O. 137, 10. Nos. 36, 36 i., ii.; and 138, 14. pp. 63-65.]

Jan. 15.  
Whitehall.

**553.** Council of Trade and Plantations to the Queen. *Representation upon Laws of Pennsylvania* 1708—1712. We concur with the (annexed) objections of Mr. Solicitor General (v. Dec. 22, 1713), and humbly offer that your Majesty be pleased to signify your disallowance of the laws therein mentioned, etc. As to the other laws, the titles whereof are likewise hereunto annexed, we

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have no objections against them ; so that in case your Majesty do not see cause within six months from their being now delivered to your Majesty's Privy Council to repeal any of them, they will remain in full force, pursuant to the Charter of Propriety granted to Wm. Penn. Upon this occasion we humbly take leave to represent that by the said charter, Mr. Penn is impowered with the advice of the Freemen of Pennsylvania or their delegates in General Assembly, to enact laws for the good of the said Province, provided such laws be not repugnant but, so far as conveniently may be, agreeable to the laws of this Kingdom and that a transcript of such laws be within five years after the making thereof delivered to your Majesty's Privy Council, and if any of the said laws within the space of six months after they shall be so delivered as aforesaid be declared by your Majesty to be void, the said laws shall henceforth become null and void accordingly, otherwise to remain in full force. This we think to be unreasonable, that Mr. Penn should have five years time to lay his laws before your Majesty and your Majesty but six months to consider thereof ; for it may so happen as in the case of the collection of laws passed in Pennsylvania in 1705, that so great a number of laws may at one time be transmitted, as that it will be difficult, if not impossible, considering the other business that may intervene, to examine the same as they ought to be. We take leave to represent another ill consequence of that clause in the said charter, which is, that temporary laws, prejudicial to the trade of your Majesty's other subjects, may be enacted there which will expire before Mr. Penn is obliged to lay the same before your Majesty, as particularly in the present case the Act for laying a duty on negroes, wine, rum and other spirits, cyder and vessels, pass'd in Feb. 1710, lays a duty of 9*d.* per ton on all ships coming thither, except such as are owned by the inhabitants of that Province *etc.*, which we think very unreasonable and a burthen on the trade and navigation of this Kingdom. This Act will expire the 10th of March next, and was not delivered to us till the 22nd of July last, so that before the signification of your Majesty's disallowance thereof, they may re-enact the same again, and by keeping it till near the time of expiration they may in effect evade your Majesty's right of repealing such laws as may be prejudicial to your Majesty's intrest or the trade of your Majesty's subjects. [*C.O.* 5, 1292. *pp.* 408–411.]

Jan. 15.  
Whitehall.

**554.** Council of Trade and Plantations to Lord Bolingbroke. Enclose following. *Annexed,*

554. i. *Same* to the Queen. *After stating the case relating to Spaniards seizing H.M. subjects in gathering salt at Tertudos, (v. Sept. 24 and Dec. 3, 1713), continue :—* Your Majesty's subjects have from the first settlement of the continent of America, had a free access to this Island, and have without interruption, unless in time of war, used to take what salt they pleased there, and we have proofs of that usage, for above 50 years, as appears by certificates of persons who have been employed in



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that trade. It does not appear to us, upon the strictest enquiry, that the Spaniards ever inhabited or settled on the said Island, nor is it probable they ever did, it being all either barren rock or dry sand, and having no fresh water or provisions on it. We take leave to lay before your Majesty, the consequence of your Majesty's subjects being prohibited to fetch salt at Tertudos, wch. will in part appear from the number of ships using that trade, being as we are informed, one year with another about 100 sail. The salt carryed from thence to New England, is used chiefly for curing fish, which is either cadelscale fish or mackrel, the former of which is the principal branch of the returns made from the continent of Great Brittain by way of Spain, Portugal and the Streights, for the woollen and other goods sent from this Kingdom thither; besides which the scale fish and mackrell are of such consequence, that the sugar islands cannot subsist without it; their negroes being chiefly supported by this fish. So that if they were not supply'd therewith from New England (which they cannot be, if your Majesty's subjects are prohibited getting salt at Tertudos) they would not be able to carry on their sugar works. This has been confirmed to us by several considerable planters concerned in those parts. Upon the whole your Majesty's subjects having enjoyed uninterrupted usage of gathering salt at Tertudos ever since the first settlement of the continent as before sd., we humbly submit to your Majesty the consequence of preserving that usage and right, upon which the trade of your Majesty's Plantations so much depends. [C.O. 5. 913. pp. 463-467.]

- Jan. 15. **555.** Petition of Sir Thomas Laurence to the Council of Trade and Plantations. Prays that an Instruction may be given to Governor Hart to cause restitution to be made of all the perquisites formerly belonging to and taken away from the office of the Secretary of Maryland, *etc.* *Signed*, Thomas Laurence. *Endorsed*, Reed. 14th, Read 21st Jan. 17<sup>13</sup><sub>14</sub>. 1<sup>1</sup><sub>2</sub> pp. [C.O. 5. 717. No. 55.]
- Jan. 17. **556.** Order of Queen in Council. Approving draught of Windsor. Commission (*v.* Jan. 12) for Governor Hart. *Signed*, Edward Southwell. *Endorsed*, Reed. 15th March, 17<sup>13</sup><sub>14</sub>, Read 4th March, 17<sup>14</sup><sub>15</sub>. 1 p. [C.O. 5. 717. No. 63; and 5, 189. p. 102a.]
- Jan. 19. **557.** Council of Trade and Plantations to Lord Bolingbroke. Whitehall. Enclose Mr. Cumings' letter concerning Newfoundland, Dec. 11, 1713, for H.M. pleasure thereupon. [C.O. 195, 5. p. 324.]
- Jan. 20. **558.** Council of Trade and Plantations to the Lord High Whitehall. Treasurer. Request payment of enclosed account of office expenses and two quarters salaries due Christmas, 1713. [C.O. 389, 37. pp. 65-67.]

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[Jan. 21.] **559.** William Heysham to the Council of Trade and Plantations. Prays that the Act of Barbados, 1713, *relating to the Three Houses spring in the parish of St. Phillips* (a rivulet that had been turned out of its proper course for private advantage to the damage of the inhabitants) may be submitted for H.M. approbation, *etc.* *Signed*, Wm. Heysham. *Endorsed*, Reed. Read Jan. 21, 1714. 1 p. [*C.O.* 28, 14. *No.* 10; and 29, 13. *pp.* 84, 85.]
- Jan. 21.  
Whitehall. **560.** Mr. Popple to Col. Cleland. Appointing Tuesday for the hearing of his objections to the Act of Barbadoes relating to the Three Houses spring. [*C.O.* 29, 13. *pp.* 85, 86.]
- Jan. 21.  
Whitehall. **561.** Mr. Popple to John Thurston. Thursday is appointed for the consideration of Mr. Swymmer's petition, *etc.* [*C.O.* 138, 14. *p.* 66.]
- Jan. 21.  
Whitehall. **562.** Lord Bolingbroke to the Lord High Treasurer. *Encloses* following, received from the Board of Trade. *Signed*, Bolingbroke. *Annexed*,  
562. i. Duplicate of *No.* 521. [*C.O.* 324, 33. *pp.* 21-28.]
- Jan. 24. **563.** H.M. Commission to John Hart to be Governor of Maryland. *Countersigned*, Bolingbroke. [*C.O.* 5, 189. *pp.* 103-119.]
- Jan. 25.  
Treary.  
Chambers. **564.** Mr. Lowndes to the Council of Trade and Plantations. The Lord High Treasurer desires to know if you have any objection to the granting of the following request, *etc.* *Signed*, Wm. Lowndes. *Endorsed*, Reed. 28th. Read 29th Jan., 17<sup>13</sup>/<sub>14</sub>. *Addressed*. <sup>1</sup>/<sub>2</sub> p. *Enclosed*,  
564. i. Petition of William Byrd to the Lord High Treasurer. Desires leave of absence from his post as H.M. Receiver General in Virginia, to transact private affairs in England, leaving a deputy in the meantime. *Endorsed*, 15th Jan. 17<sup>13</sup>/<sub>14</sub>. <sup>1</sup>/<sub>2</sub> p. [*C.O.* 5, 1316. *Nos.* 103, 103 i.; and 5, 1364. *pp.* 25, 26.]
- Jan. 25.  
Lisbon. **565.** Lt. Governor Moody to Lord Bolingbroke (*v.* Feb. 16, 1714). *Acknowledges* letter of Dec. 1st. *Continues* :—I will do everything I am commanded for taking possession of that important fortress (*Placentia*), and the Dominions belonging to it, which will put it in the power of British subjects only to furnish all Europe with dry fish, a scheme for wch. purpose, I shall beg leave in due time to trouble your Lordship with. I humbly offer my opinion to your Lordship, what instructions may at present be proper for me to have for the further security and improvement of *Placentia* and its dependances, which for its intrinsick value, and utility for trade, and the protection and assistance which it is able to give to our foreign commerce in distress exceeds all the ports in America. (1) That I may be impowered to send a party of officers

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and soldiers to any part of Newfoundland for the defence and security thereof as occasion requires. (2) That I may have the usuall Instructions which are given to Governors of other ports relating to pirates, and other enemys. (3) To be impowered to hold a Court Martial and condemn according to the Articles of Warr. (4) To be authorized to command the inhabitants to joine with the soldiers upon any invasion of pirates, or other enemies, for the publick safety, and to employ them at convenient times, when the fishing season is over in felling of timber and pallisades for building of a large fort upon the most convenient part behind the Grand Beach for the security of their families and effects, into which, they may at any time repair in time of danger, for they live now in a scattered manner, too much exposed to the Indian parties from Canada etc. and pirates. With these authorities, I shall be the better enabled to defend the inhabitants and emprove the trade of Placentia, which nothing will incourage so much as their being secured from invasion and insults, *etc.* I sent from hence Dec. 25, inclosed to your Lop., two memorials to the most Honble. the Ld. High Treasurer, relating to a supply of beer and subsistence for the garrison against our arrival at Placentia, without which their sufferings will bee too great to be surmounted, for the last year's subsistence will be expended the 25th of April next, and the garrison cannot live in Newfoundland without some other drinkable besides water, altho', I have hitherto kept them in temper wth. that only, and the expectation of their recieving H.M. usuall allowance for beer, in mony for the time past, as is the custom upon such occasions, *etc.* *Signed*, J. Moody. *Endorsed*, Recd. 16th, Read 17th Feb., 17 $\frac{1}{4}$ . 3 pp. [C.O. 194. 5. No. 33.]

[Jan. 26.] **566.** Petition of merchants in London, creditors of Thomas Finch of Jamaica, to the Council of Trade and Plantations, against the confirmation of the Act to *vest Finch's estate in trustees etc.* The aim of it is to prefer one creditor in Jamaica over petitioners here, and therefore unprecedented and totally destructive of trade. *Signed*, Leonard Compere. *Endorsed*, Recd. Read 26th Jan., 17 $\frac{1}{4}$ . 1 p. [C.O. 137. 10. No. 37.]

[Jan. 29.] **567.** Address of the Assembly of Maryland to the Queen. *Refer to* Address of Dec. 1708 relating to Sir Thomas Laurence's complaint, of which no notice is taken in the representation of the Council of Trade and Plantations, March 30, 1710, nor can we understand by it nor by your Royal Letter to the President of the Council here, that it has ever reached your sacred ear. *Repeat gist of it*, relating to the office of Secretary and the vesting of ordinary licences therein, *quoting* laws of 1662, 1678, 1692 and 1694. We have not found any other than temporary laws that ever gave those fines to the Secretary, except that of 1695, which was intended to be temporary *etc.*, but the clause that should have made it so was omitted. The fine imposed on ordinary keepers in 1692 was temporary and for the better regulation of ordinaries and for limiting their number. We presume no officer



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can pretend a right to a perpetual certain estate in a thing which, in itself, is so uncertain. By the Act of 1704 it plainly appears to be the sense of the Province, that the business of ordinary keepers was so far decayed, that they could not bear so large fines, which were therefore reduced from 2000 to 1200*lb.* of tobacco, but now so unhappy are our circumstances, by the misfortunes we have suffered in our tobacco trade, (which is the life of all business amongst us) that we find it would be more necessary to make an Act to encourage people to keep ordinaries, as the first Act was, than to impose a fine upon those that do ; for even now at some of our County Court houses, there is not one house of publick entertainment to be found, where multitudes of people are obliged frequently to resort for publick justice, and where formerly, there have been several such houses at once, so that now those that are obliged to attend there, must either suffer hardships themselves for want of entertainment, or be burthensome to the neighbouring inhabitants, who being scarcely able to bear their own burthens, are frequently ruined by giving too large entertainments. In the Act past in 1695 it was enacted, that every ordinary keeper, that kept ordinary at any County Court house or at the Port of Annapolis, should provide and maintain twelve good substantiall beds, besides what was for their own families' use, and if at any part of the country, six good spare beds, as before, under penalty of 5000*lb.* of tobacco *etc.*, but now ordinary keeping, by the change of times, is become so unprofitable an employment, that most have left it off in time, some can't keep a bed for themselves to lye on, others are run away in debt and the best can scarce preserve their credit, so that, if that Act were now in force, we should scarce have one ordinary keeper in the whole Province that could comply with such a law. And we dare presume your [*Majesty*] would not deny us the liberty of altering such a law, lest the forfeitures therein should miss the Exchequer ; neither, as we hope, will your Majesty oblige us to continue such a law, so much to the prejudice of the countrey, lest Sir Thomas Laurence should loose his perquisite. Those fines, when paid, were not certainly annex as a perquisite to any one particular office, or appropriated continually to one and the same person's or officer's use, but as the fine itself, so the application of it, was subject to alteration, *etc.* Sir T. Laurence could have no other title to them than what was consistent with their essence, which only depended on their being serviceable to ordinary keepers, and therefore he could not expect them longer than they served that end or had their being, nor so, but that if the consideration on which he had them was extinguisht or satisfy'd, they might have been disposed of otherwise, or given to some more deserving person, or at least have been refused to those that the Province thought deserved them not. Sir Thomas has not deserved those fines of late had they been continued on the ordinary keepers. We have long forbore to make our just complaints against him, lest they should be censured as the effects of disrespect. We are now obliged to make them in our own defence, *etc.* Although he has the benefit

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of the fees for searching the records in his office, yet he has suffered so many of the record books to be so long used without causing them to be transcribed that some parts of them where the rights of sundry people's estates have been recorded are wholly lost and worn out, and others the province have been forced to be at great charges to get transcrib'd to prevent them from the like fate. And now we find that those records which principally concern all the real estates in Maryland are in so dangerous and moultering a condition that 'tis not less than 150,000*lb.* of tobacco will preserve them. And we find that the Secretary's providing insufficient books for records is one great cause of such loss and charge. Sir T. Laurence has in his choice of Clerks of the several Courts, most commonly appointed such as would serve him at the cheapest rate, without regard to their capacities or merit, some of which have left sundry judgements and other matters of great concern to the inhabitants, which ought to have been entered, wholly neglected to the great loss of those concerned therewith; and when the parties griev'd seek redress, they find no security from Sir Thomas here to have recourse to, Sir Thomas having taken advantage of H.M. Order in Council, March 2, 169 $\frac{2}{3}$  that his own personal security should be taken for the due execution of his office, tho' then by his commission he was obliged to reside amongst us, and likewise of your Majesty's Royal Letter of Lycence that he might hold the said office, tho' absent, and exercise the same by deputy, has transported himself from us, so that now we have no other security from him, for the preservation of both our real and personal estates which mostly depend upon the records in his office, than his own person, and that beyond our reach. He has leave by H.M. Order in Council, Dec. 21, 1691, in consideration that he was to give security for the good behaviour of the Clerks of the several County Courts to receive yearly from such Clerks a tenth part of a year's value of each Clerk's place, the said value to be estimated by the Governor and Council here, and thereupon Sir Thomas, without giving such security for the behaviour of said Clerks, and without having the yearly value of such places estimated as directed exacts considerable sums of the said County Clerks, on pretence that their tenths are due to him; tho' he never complied with the condition of their being granted to him. And at this day, by himself or his deputy, receives more than one third of the yearly profits from some of them. Contrary as we beleive, to the true intent of your Majesty's Royal Letter of Lycence to him, he has rented out his office here against the form (as we take it) of the statute of 5th of Edward VIth against buying and selling of offices. He appoints the Clerks of the several County Courts to hold their offices only during pleasure, and turns them out as he or his deputy thinks fitt, without shewing to the Courts wherein they serve any cause for his so doing, imposing upon the Courts unskilfull clerks that pay large sums for their commissions, and turning out those of more experience. The Journals and proceedings of the General Assembly lodged in his office are not taken due care of, most of them impair'd, and many of them lost.

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We confess some of these particulars have happened since the alteration of that law for ordinary keepers, and therefore could not be the cause of it. But as we thought we had sufficient reason to lessen those fines and to apply those that were, towards the releife of the country under its sinking circumstances ; and that the care of our records had been much neglected by Sir. T Laurence, who had the sole benefit of them, tho' we bear the burthen, and paid for their transcribing and amendment, we thought our application of those fines to the publick use but reasonable, that it might in some measure make amends for the damages received by Sir Tho. Laurence's male-execution of his office. And tho' the later passages which relate to his farming his said office could not be the cause of altering those fines, yet the observation of them does the more confirm us, that Sir T. Laurence is now the less deserving of them.. We further beg leave to observe that, when those fines were first given to Sir Thomas, the circumstances of the Province were much better, than they are now, but the perquisites of his office amounted not to near the annuall value that now they do ; that therefore finding the province wanted them more, and his office less, than when at first granted, 'twas thought unreasonable that they should be continued longer to him after such an alteration of circumstances ; being but at first given by a voluntary Act without any valuable consideration for so doing. We are very sensible of the advantage he has over us, by being always ready to answer our allegations against him, whilst we being a distance, having never heard the particulars of his complaint against us, lye under a necessity of answering. We find his pretentions much more strait upon us than any other we have had to do with. Upon granting a duty of 3*d*. per hhd. on tobacco to Col. Blackeston as Governor for a gratuity, his successor, Col. Seymour never pretended to it as a debt from the country to the government, but allowed it to be in the breast of the countrey, with the consent of your Majesty's Vicerent here, either to give or withhold it, tho' the very end of the imposition was to raise a revenue to which your Majesty's Instructions against the making of presents was agreeable. But we find because Sir Thomas had those fines given him as a gratuity, which were only accidentally useful to the regulating ordinaries as the cheif end of imposing them, and not laid for the sake of advancing any revenue, he seems to expect that his proffits should be lookt upon as the whole end of laying them, and that the voluntary grant of them for once to him, shou'd immediatly become a perpetual obligation on us. There was no valuable consideration from him for the disposing of those fines to Sir Thomas, *etc*. We are sorry to find that Sir Tho. Laurence made an untrue allegation against Governor Seymour (as appears by the remarks of the Lords of Trade, 1710) having some reason to fear he may make more bold in using us after the like manner. We humbly propose as a barrier against such unfair usage, that your Majesty would be graciously pleased, from time to time, to give orders that the particulars of his complaints and allegations may be communicated to us. We shall be at all times ready to



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make appear the truth of what we have herein alledged *etc.*, and hope that no allegations may be received against us, but such as shall be likewise proved. By this means we hope to preserve the character of dutifull and loyal subjects. Upon the whole, unless Sir Thomas can prove a better right to his pretensions than yet he has done, we do not think he ought to have them ratified. We shall always pay a strict regard to your Majesty's royall commands, and if commanded to gratify Sir Thomas in this behalf, we must and will passively submitt, but can never dissemble so with your Majesty, as to pretend an active free consent to any law for that which in the eyes of all your subjects here, seems but a burthen and unreasonable, *etc.*, *etc.* *Signed*, R. Ungle, Speaker, and 41 others. (Cf. Nov. 20, 1713). *Endorsed*, Recd. 29th Jan. 17 $\frac{1}{4}$ <sup>3</sup>. 25 pp. [C.O. 5, 717. No. 56.]

Jan. 29.  
Whitehall.

**568.** Council of Trade and Plantations to Lord Bolingbroke. Enclose following. *Annexed*,

568. i. Instructions for John Hart, Governor of Maryland. *In usual form, but "omitting such clauses as were proper only during the war."* [C.O. 5, 727. pp. 362-435.]

Jan. 31.  
Windsor  
Castle.

**569.** H.M. Warrant to Mr. Attorney or Solicitor General, to prepare a Bill for H.M. signature appointing Edward Perrie, Clerk of the Navy Office in the Leeward Islands, with a clause obliging him to reside there. *Countersigned*, Bolingbroke. [C.O. 324, 33. pp. 28-30.]

Jan. 31.

**570.** Order of Queen in Council. Approving Instructions of Governor Hart. *Signed*, Edward Southwell. *Endorsed*, Recd. 15th March 17 $\frac{1}{4}$ <sup>3</sup>, Read 4th March, 17 $\frac{1}{16}$ . 1 p. [C.O. 5, 717. No. 64.]

Feb. 1.

**571.** Governor Lowther to the Lords of the Committee of Appeals. Replies in detail to the charges of Alexander Skene, as ordered Oct. 14, 1713. *Signed*, Rob. Lowther. *Endorsed*, Recd. Read 4th Jan. 17 $\frac{1}{16}$ . 9 *closely written* pp. *Enclosed*,

571. i. Deposition of Thomas Neale that the following are true copies. 6th March, 1713(14). *Signed*, Rob. Lowther. 1 p.

571. ii. (a) Copy of proceedings for taking depositions in the case of A. Skene, pursuant to the Order of Council 14th Oct. 1713.

571. ii. (b) Copies of Depositions taken by the Governor's order before Thomas Neale, in connection therewith, by William Tonstall, Lt. General John Frere, Thomas Maxwell, Wm. Grace, Saml. Barwick, John Mills, Samll. Husbands, Edmund Sutton, with Skene's protest, *etc.* 27 Jan. 1713(14). 23 *closely written* pp.

571. iii. Deposition of Thomas Prideaux and Robt. Bishop, that the following are true copies. *Signed*, Robt. Lowther.  $\frac{3}{4}$  p.

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571. iv. (a) Copy of petition of Alexander Skene to Thomas Prideaux and Robert Bishop, demanding the summoning of his witnesses, *etc.*, Jan. 15, 17<sup>13</sup>/<sub>14</sub>, for the hearing of his case in the Council Chamber.
571. iv. (b) Copy of petition of Alexander Skene to Governor Lowther, April 22, 1713, to be restored to the profits of his office of Secretary since his suspension, detained by Arthur Upton and Saml. Barwick, contrary to H.M. Order in Council 16th Dec. 1712, and H.E.'s order of 28th March, 1713. In answer to above the Governor replied that petitioner must apply to the Queen.
571. iv. (c) Copy of reply of Arthur Upton to Governor Lowther, 12th April, 1713. When Skene applied to me, I said I was surprised at the Governor's order to refund the profits of the Secretary's office, and had spent it, *etc.*
571. iv. (d) Copies of depositions relating to above by Hall Belgrave and Herman Vonlengerhen, Wm. Grace, Samuel Beresford, Thomas Maxwell, John Lane, Timothy Salter, John Frere, John Pilgrim, Thomas Alleyne, John Mills, and Samuel Cox. Jan. 19, 1713 (14). *The whole*, 34 pp.
571. v. Governor Lowther to the Queen. Sept. 2, 1713. In reply to Skene's misrepresentations, relates the whole history of the proceedings in the case, with copies of orders, petitions, depositions, relating thereto. *Signed*, Robt. Lowther. 104 *closely written* pp.
571. vi. Deposition of William Tonstall that preceding papers are true copies. 6th March, 17<sup>13</sup>/<sub>14</sub>. *Signed*, Robt. Lowther.  $\frac{3}{4}$  p. [C.O. 28, 16. Nos. 1, 1 i.-vi.]

[Feb. 2.]

**572.** Four affidavits as to the course and common rights to the Three Houses spring in Barbados (*v.* Jan. 21). *Signed*, Joseph Thorne, Feb. 1, 1713.  $\frac{3}{4}$  p. James Graeme, Feb. 1, 1713.  $\frac{1}{2}$  p. Edward Skeete, July 11, 1713. 2 $\frac{1}{2}$  pp. Roger Webb, July 11, 1713. 2 $\frac{1}{4}$  pp. *The whole endorsed*, Recd. Read 2nd Feb., 17<sup>13</sup>/<sub>14</sub>. [C.O. 28, 14. Nos. 12-15.]

Feb. 3.  
Whitehall.

**573.** Council of Trade and Plantations to the Lord High Treasurer. We have no objection to granting Mr. Byrd such a licence in the manner proposed (*v.* Jan. 25th). [C.O. 5, 1364. p. 25.]

Feb. 4.  
Whitehall.

**574.** Mr. Popple to Mr. Lowndes. The Council of Trade and Plantations having received my Lord High Treasurer's commands to report how the affairs of H.M. several Plantations may be put into such a method as to be able by ways and means among themselves to support the whole charge of their Governments; they desire an account of the annual expence of the said Plantations, *etc.* [C.O. 324, 10. p. 39.]

Feb. 7.  
Windsor.

**575.** H.M. Instructions to John Hart, Governor of Maryland. *Signed*, A. R. [C.O. 5, 189. pp. 120-184.]

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Feb. 7.  
Windsor  
Castle.

**576.** The Queen to Governor Lowther. Whereas we have thought fit to recall you from the Government of Barbados, *etc.*, upon the receipt hereof you are to deliver unto our Trusty and Well beloved William Sharpe President of our Council, *etc.*, the seal, publick papers and ensigns of Government, and forthwith repair into our Royal Presence. *Countersigned*, Bolingbroke. [*C.O.* 324, 33. *pp.* 30, 31.]

Feb. 9.  
Whitehall.

**577.** Council of Trade and Plantations to the Queen. The Agent for Barbados having presented a memorial complaining that of late quantities of rum, sugar and molosses have been imported from Surinam to New England and other your Majesty's Provinces on the Northern Continent, to the great detriment of your Majesty's sugar Plantations, and the trade and navigation of this Kingdom, we have heard him, as also the agent for the Massachusetts Bay; and thereupon take leave humbly to represent to your Majesty, that by Acts passed in the 12th and 25th years of King Charles II. (*quoted*) certain goods vizt., sugar, tobacco, cotton, wooll, indico, ginger, fustick or other dying wood of the growth of the said Plantations are prohibited from being shipped or transported from any of the English Plantations, to any place but the Kingdom of England, Ireland or to other of the said Plantations. And by an Act passed in the 3rd and 4th years of your Majesty's reign, rice and molosses are under the like restraint and penalties. But we do not find that there is any law which prohibits your Majesty's subjects in the Plantations from fetching any of the sd. goods from Surinam or other foreign Plantations in America, by which means several European goods are carryed to the said Plantations, contrary to the Acts of Trade and Navigation, and therefore we humbly offer that it will be for the advantage of the trade of this Kingdom and of the sugar Plantations, that the trade between your Majesty's Plantations on the Northern Continent, and the said foreign Plantations in America, for rum, sugar and molosses, be prohibited by law here. [*C.O.* 5, 913. *pp.* 469-471.]

[Feb. 11.]

**578.** Mayor and merchants of Dartmouth to the Council of Trade and Plantations. Urge that, the boundaries of Newfoundland having been settled by the Peace, the French be not allowed to encroach on us as formerly they have by little and little done, and that a brigantine be appointed to go continually round the land, to see that the French leave the country after the cod fishing season is over, in such parts as leave is granted 'em according to the Treaty, and do not resettle there, *etc.* *Signed*, Caleb Rockett, Mayor, and 46 others. *Endorsed*, Recd. Read Feb. 11, 1714<sup>3</sup>/<sub>4</sub>. 1 p. [*C.O.* 194, 5. No. 32; and 195, 5. *pp.* 326-328.]

Feb. 12.  
Whitehall.

**579.** Council of Trade and Plantations to the Lord High Treasurer. Representation on petition of Anthony Swymmer, and Johanna Kupius *etc.* (*v.* Oct. 1st, 1713 and Jan. 15, 1714). It does appear to us that the said estate is escheated to H.M., and that H.M. may grant the same to whom she shall think fit,



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*etc. (as set out in first part of A.P.C. II. No. 1284, q.v.). Concludes :* But as we have been inform'd, the valuation of this escheat, as returned by the jury, is much less than in reality it ought to be, we are of opinion there shou'd be another inquisition before the said escheat be granted. [C.O. 138, 14. pp. 69-73.]

Feb. 16.  
Whitehall.

**580.** Lord Bolingbroke to the Council of Trade and Plantations. Mr. Secretary at Warr has represented to the Queen that complaint has been made by the Assembly of Jamaica concerning the keeping of Mr. Handasyde's Regiment there, and he has at the same time desired H.M. orders to him for his guidance in this matter ; I am thereupon commanded to let your Lordships know that you should call before you such merchants and planters belonging to the said Island as are here, and enquire of them concerning the nature and ground of this complaint, and concerning the use this Regiment is of to the Island ; and upon the whole state to H.M. your opinion in relation both to the complaint, and to the necessity of keeping the said Regiment in Jamaica ; to the end that if it appear to be of no advantage to the Island to have the Regiment continued, it may be recalled ; but if on the contrary it be necessary for the safety and defence of the said Island, it may be kept there, and enjoy the same allowances, which have been usually given. *Encloses* copy of letter from Col. Moody at Lisbon (*v.* Jan. 25). H.M. directs that you should consider of it, and lay before her what Instructions you think necessary upon the points mentioned by Col. Moody ; as also upon any other matters, which he has not taken notice of, and on which you may judge it to be fit that Instructions should be given for the benefit and improvement of that important Colony. *Signed*, Bolingbroke. *Endorsed*, Recd. 16th, Read 17th Feb. 17 $\frac{13}{14}$ . 2 pp. [C.O. 137, 10. No. 41 ; and 138, 14. pp. 73-75.]

Feb. 16.  
London.

**581.** Capt. Taverner to the Council of Trade and Plantations. Col. Moody being detained at Lisbon, proposes that he be dispatched at once to Newfoundland with money and stores, *etc.*, in a ship burthen about 180 tons, *etc.*, *Signed*, Wm. Taverner. *Endorsed*, Recd. 16th Feb. 17 $\frac{13}{14}$ . *Addressed*. 1 $\frac{1}{2}$  pp. [C.O. 194, 5. No. 32 ; and 195, 5. pp. 329-331.]

Feb. 17.  
Whitehall.

**582.** Council of Trade and Plantations to Lord Bolingbroke. *Enclose* copy of memorial of Mayor, *etc.* of Dartmouth (*v.* Feb. 11). In our humble opinion nothing will tend more to the publick service, than that a survey be made of Newfoundland, its several harbours and fishing places, as propos'd by the said representation. But we are apprehensive a brigantine therein mention'd, will be too small, and that such a ship as propos'd by Capt. Taverner Feb. 16 (*copy enclosed*), will be much more fit for that service. [C.O. 195, 5. p. 332.]

Feb. 17.  
Whitehal.

**583.** Mr. Popple to Mr. Thurston. *Refers to preceding. Concludes :—*The Council of Trade and Plantations desire to

speak with such merchants and planters of Jamaica as are in town  
on Tuesday next, *etc.* [C.O. 138, 14. pp. 75, 76.]

Feb. 18. **585.** Copy of Privy Seal for Commission of Trade and  
Westminster. Plantations (Francis, Lord Guildford, Sir Phillip Meadows,  
Robert Monckton, Arthur Moore, Sir John Hynde Cotton, John  
Sharpe, Saml. Pytts, Tho. Vernon) *etc.*, as Jan. 31, 1712, and  
directing salaries for them and the under officers of the Plantation  
Office, *etc.* 4½ pp. [*C.O.* 388, 76. *No.* 163; and 389, 37.  
*pp.* 67-73.]

Feb. 20, **587.** Order of Queen in Council. Approving representation  
St. James's. of Jan. 15 (*q.v.*), and confirming Acts of Pennsylvania accordingly.  
*Signed*, Edward Southwell. *Endorsed*, Recd. 9th, Read 17th  
March, 17<sup>13</sup><sub>14</sub>. 3<sup>3</sup><sub>4</sub> *pp.* [*C.O.* 5, 1264. *No.* 142; and 5, 1292.  
*pp.* 412, 413.]

Feb. 20. **589.** Order of Queen in Council. Approving representation  
St. James's. of Feb. 9th, and ordering Mr. Attorney and Mr. Solicitor Generall

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to prepare the draft of a bill to be offered this Parliament for prohibiting the importing of rum, sugar, *etc.* from Surinam to New England. *Signed*, Edward Southwell. *Endorsed*, Recd. 15th March, 17<sup>13</sup>/<sub>14</sub>, Read July 28, 1715. 1 p. [*C.O.* 28, 14. *No.* 45; and 29, 13. *pp.* 317, 318.]

Feb. 23.  
Whitehal.

**590.** Council of Trade and Plantations to Lord Bolingbroke. *Enclose* copies of Lt. Governor Pulleine's letter and enclosures with complaints against the Spaniards for seizing ships since the peace. (*v.* Jan. 9). *Autograph signatures.* *Endorsed*, Demand reparation. Write to Lawless. 1 p. *Enclosed*,

590 i.-iii. Duplicates of *Nos.* 544, 544 i., ii. [*C.O.* 37, 26. *Nos.* 18, 19, 19 i., ii.; and 38, 7. *pp.* 188, 189.]

Feb. 23.  
London.

**591.** Col. Lawes and others to Mr. Popple. Propose that if the Regiment is recalled from Jamaica, the private sentinels may be left at liberty to stay or return, *etc.* *Signed*, Nicholas Lawes, Charles Kent, Rich. Thompson, Richd. Rigby, Tho. Mitchell, Wm. Willard. *Endorsed*, Recd. 24th Feb., Read 5th March, 17<sup>13</sup>/<sub>14</sub>. 1 p. [*C.O.* 137, 10. *No.* 43; and 138, 14. *p.* 87.]

Feb. 23.  
Boston.

**592.** Address of the Council and Assembly of the Massachusetts Bay to the Queen. The timber and produce of this your Majesty's Province, could we be so happy as to have it further encouraged, might be of the greatest profit and advantage not only to your Majesty's good subjects here, but also to your Majesty's Royal Navy and all your Majesty's good subjects at home tradeing in that article. (1) In this Province as well as in those next adjoining there are great quantitys of all sorts of timber. (2) Importation of timber *etc.* from Norway and the East Country hath been the occasion of the exportation of great quantitys of the British coine. (3) The distance of scituation and consequently the dearness of freight together with the Custom prevents the importation of the best of all sorts of timber from your Majesty's Plantations in North America. (4) But were the Custom so proportioned that freight and Custom from America should not exceed freight and Custom from the East Country such importation might be encouraged *etc.* *Pray* H.M. to direct accordingly. *Return thanks* for the continuance in office of Governor Dudley, *etc.* *Signed*, Isc. Addington, Secy., John Burrill, Speaker. *Endorsed*, Recd. May 23, 1714. 1 large p. [*C.O.* 5, 752. *No.* 2.]

Feb. 25.

**593.** Copy of clause in Governors' Instructions empowering them to command the inhabitants to join with the soldiers in case of any invasion (*v.* *Nos.* 565, 580, 594). [*C.O.* 5, 4. *No.* 5.]

Feb. 25.  
Whitchall.

**594.** Council of Trade and Plantations to Lord Bolingbroke. In obedience to H.M. commands (Feb. 16) we have considered Col. Moody's desire of having some new instructions, and are humbly of opinion that the first and second articles proposed by him, as also the first part of the fourth, relating to his being impower'd



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to command the inhabitants to join the soldiers in case of any invasion of pirates or any other enemies, are reasonable ; and we presume the enclos'd (*v.* preceding) will be sufficient for that matter. As to the third Article, to be impower'd to hold a Court Martial etc., we think 'tis improper as proposed, for that the Govrs. of the Plantations are not impower'd to execute Martial Law, but only in time of war, and as is express'd in the said clause, and the said Govrs. are restrained by their Instructions from putting the said Law Martial in execution upon any of the inhabitants without the advice and consent of the respective Councils. We are apprehensive that the power he desires, of commanding the inhabitants at convenient times when the fishing season is over, to fell timber for pallisadoes, and for building a large fort, etc., may be attended with the inconvenience of subjecting the inhabitants to be harass'd at the will of the commanding officer. *Autograph signatures.* 2 pp. [*C.O.* 194, 23. No. 11 ; and 195, 5. pp. 333, 334.]

Feb. 25.  
Whitehall.

**595.** Lord Bolingbroke to Lt. Governor Moody. A frigate was dispatched from hence about the latter end of Sept. with several orders relating to your taking possession of Placentia (*v.* Sept. 25). This ship we find got safe to Placentia. But I understand from the Lords of the Admiralty that they have advice from the Commander that he designs to return home as soon as possibly he can. It being therefore likely that you may miss of the ship, and not receive those dispatches, I thought it requisite to send duplicates (*inclosed*). You will observe upon perusing these papers that by reason of your not getting to Newfoundland last winter, several of those orders may upon your arrival in the spring be found to be of no further use, the French having now had time enough to prepare to remove upon your appearing to take possession of Placentia. However it is fit that you should know H.M. resolutions in all events ; and I hope the copys inclosed of the orders to Monsr. de Costebelle will have as much force as the originals, in case of necessity, they having been sent with my first packet. I have received your letters of Dec. 24th and Jan. 25th from Lisbon. The duplicates of your memorials I transmitted to my Lord Treasurer, and I recommended to his Lop. at the same time the care of furnishing subsistence and provisions to the troops under your command. Your proposals for the security of Placentia, and consequently for the encouragement of commerce there are laying before the Lords of Trade. I shall endeavour to get answers both from that Board and from the Treasury, and then I shall be sure to transmit them to you at Placentia by the first opportunity, which I expect to have very soon. *Signed*, Bolingbroke. [*C.O.* 324, 33. pp. 31-33.]

Feb. 27.  
Whitehall.

**596.** Lord Bolingbroke to the Council of Trade and Plantations. I have lay'd before the Lords of the Council, your letter of the 23rd instant, etc. Their Lops. think it proper, that before they offer any opinion to H.M. etc. your Lordps. should advise

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with the civil lawyers, *etc.*, and when you have discours'd these Gentlemen, you will please to report what your own sentiments are, and likewise what are those of the civilians. *Signed*, Bolingbroke. *Endorsed*, Recd. 27th Feb., Read 1st March, 17<sup>13</sup>/<sub>14</sub>. 2 pp. [*C.O.* 37, 9. No. 28; and 38, 7. pp. 189, 190.]

Feb. 28.  
St. James's.

**597.** H.M. Warrant to Mr. Attorney or Mr. Solicitor General to prepare a bill for appointing Richard Carter Attorney General of Barbadoes, with a clause obliging him to residence, and revoking the letters patents of Thomas Hodges. *Countersigned*, Bolingbroke. [*C.O.* 324, 33. pp. 34, 35.]

March 1.  
Whitehal.

**598.** Mr. Popple to Sir Charles Hedges. Encloses copies of Lt. Governor Pulleine's letter and enclosed affidavits (Jan. 9th) for his opinion and that of other civil lawyers thereupon in writing on Friday morning, *etc.*, at which time their Lordships desire ye favour of speaking with you, *etc.* [*C.O.* 38, 7. pp. 191, 192.]

March 4.  
Treary.  
Chambers.

**599.** Mr. Lowndes to the Council of Trade and Plantations. *Encloses* following for their report. *Signed*, Wm. Lowndes. *Endorsed*, Recd. 10th, Read 11th March, 17<sup>13</sup>/<sub>14</sub>. *Addressed*. <sup>3</sup>/<sub>4</sub> p. *Enclosed*.

599. i. Order of Queen in Council, Windsor, Nov. 30, 1713. Referring following to the Lord High Treasurer (*v.* A.P.C. II., No. 1195). *Signed*, William Blathwayt. <sup>3</sup>/<sub>4</sub> p.

599. ii. Petition of George Earl of Orkney, Captain Generall and Governor in Chief of Virginia to the Queen. Proposes that encouragement be given to the inhabitants to work some ore discovered in Virginia within this 12 months last past, that has greatly the semblance of silver in it. Being sensible that all gold and silver mines are your Majesty's intire property, they have desisted making any further attempt till they are encouraged by your Royall Proclamation, and what share you will please to retain to yourself. After which the inhabitants there, are desirous to go in quest of this important project at their own proper charges, *etc.* *Endorsed*, March 1, 17<sup>13</sup>/<sub>14</sub>. *Copy*. 1 p. [*C.O.* 5, 1316. Nos. 104, 104 i., ii.; and 5, 1364. pp. 26 29.]

March 4.  
Drs. Commons.

**600.** Sir Charles Hedges and others to Mr. Popple. Having perused Mr. Pulein's letter *etc.* Jan. 9. wee humbly are of opinion, that in case the Lords Commissrs. for Trade, think those informations to bee true, that then the only, and proper way for relief will bee, upon a representation to the Minister for Spain residing here, and likewise by H.M. Minister att the Court of Madrid, to demand reparation, and redresse of those practises complained of, which seem very prejudiciall to, and destructive of the trade of H.M. subjects in those parts: and that herein, no time should bee lost, *etc.* *Signed*, C. Hedges, Nath. Lloyd, Hen. Newton, R. Wood, Hum. Henchman. *Endorsed*, Recd. Read 5th March, 17<sup>13</sup>/<sub>14</sub>. 2 pp. [*C.O.* 37, 9. No. 29; and 38, 7. pp. 192, 193.]

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March 5. **601.** Council of Trade and Plantations to Lord Bolingbroke. *Enclose copy of preceding, wth. wch. we agree, etc.* We have no reason to doubt of ye truth of ye facts, *etc.* *Autograph signatures.* 1 p. *Enclosed,*  
601. i. Copy of No. 600. [C.O. 37, 26, Nos. 20, 20 i.; and (without enclosures) 38, 7. p. 194.]
- March 5. **602.** Extract of a letter from Elisha Dobree to Capt. Taverner. I have this day received a letter of my friends of St. Malo who writes me that the French ships continue to goe for St. Peters this year, under the pretext of their having still their habitations, and will dispose of none, they having retracted their mind of selling or disposing of them, *etc.* *Signed,* Elisha Dobree. *Endorsed,* Recd. Read 20th, March, 1714<sup>3</sup>/<sub>4</sub>. 1 p. [C.O. 194, 5. No. 36.]
- March 9.  
Virginia. **603.** Lt. Governor Spotswood to the Council of Trade and Plantations. *Refers to previous letter, and continues his remarks upon other laws passed the last sessions of Assembly:—*The deficiency as well as desuetude of the only law here made for keeping Parish Registers having rendered ineffectual all my endeavours for obtaining an exact list of the births, christnings and burials required by H.M. Instructions, I thought it necessary to recommend that matter to the Assembly, and I hope the Act now passed is so well calculated for answering the end proposed, that as soon as it takes place I shall be enabled to send your Lordps. such a compleat list as may make some amends for the deficiency I have heretofore sent. Upon the earnest application of the inhabitants of St. Mary's parish I have consented to an Act for redressing their grievances by dividing that parish: for having received no answer from your Lordps. to what I writt concerning the power of bounding and dividing countys and parishes, I could no longer resist the importunitys of the people in this case; Nevertheless your Lordps. will observe by the different preamble of that Act that I have endeavoured to set a precedent for future applications of that kind to be made first to the Crown in the person of the Governor, and to undeceive the people, who have hitherto look'd upon their Representatives, to have the sole power in all such matters. Two of the Acts pass'd this session vizt. that for the settlement of ferrys, and that prohibiting the entertainment of runaway seamen, which were only temporary and near expiring, are now made perpetual according to H.M. Instructions concerning the re-enacting laws of that nature which I communicated to the House of Burgesses on this occasion, as judging both these Acts to be of publick benefite; and if the Act concerning the nomination of sherifs, which is now also re-enacted had not depended on a temporary want, namely the increase of their profits by the advance of the price of tobacco, which I hope a short time will bring to pass, I should have got that too made perpetual: but seeing such an alteration of the circumstances of the country may soon make that law altogether unnecessary, I hope your Lordps. will not



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construe it a dispensing with H.M. directions that it is still continued temporary. I gave your Lordps. an account in my last of the confidence the Assembly had placed in me, with relation to two particulars of considerable importance, the one for finishing the Governor's house without limitation of the sum which your Lordps. will find in the Act to empower John Holloway and John Clayton, gent., to receive the money paid for lots in Williamsburgh, and the other in the Act continuing the Rangers, whereby I am empowered to disband such of them as I shall think fitt, and to apply their pay towards the settlement of the frontiers; and by an address of the House of Burgesses (Journal, Dec. 9), I am further empowered to apply towards the same service the remaining part of the sum appropriated for the relief of North Carolina. In pursuance of this last trust, I formed the scheme mentioned in the Council Journal, Jan. 27, and hope to put it in execution very speedily, with more safety to the people and at a fifth part of the charge they have been at for some years past to maintain their Rangers. For after severall conferences with the Tuscaruro Indians who have for some time dispersed themselves on our frontiers, and occasioned the keeping on foot so great a number of Rangers to prevent their incursions, I have at last concluded a Treaty with them, and renewed the Treatys made with the most considerable of our former Tributarys, which I hope will not only secure us against any danger from them, but prevent all other roving partys of strange Indians from coming near our inhabitants; the severall partys of men that are to be settled among the Tuscaruros and the other Tributarys will be as so many spyes upon all their actions, the trade carryed to their towns, and settled upon a just and equal footing, and a due administration of justice in all controversys arising between them and the English will create in them a likeing to our Laws and Government, and secure a necessary dependance on this Colony for a supply of all their wants as the instructing their youth in the principles of Christianity, will in a generation or two banish their present savage customs, and bind them by the obligations of religion to be good subjects and usefull neighbours. I shall not enlarge further on the advantages of these Treatys, of which I now send your Lordps. the copys. I hope your Lordps. will be satisfied of the good intention with which they are formed, and I have not much doubt but that the event will be answerable: for as to our ancient Tributarys, there is no suspicion of their receding from any of their engagements; and for the Tuscaruros, if they once deliver the hostages they have promised (which I expect to know in ten days' time at furthest) there's as little question to be made of them, considering the aversion they have to return into Carolina, and the impossibility of their subsisting long without trade. I shall not trouble your Lordships with anything more of the proceedings of the Council, having in my former letters hinted whatever is remarkable therein. Only take notice that this winter has been fatal to three of that Board vizt. Henry Duke, William Fitzhugh and John Custis, Esqrs., who all died in little more than a month, the number of the Council being by that

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means and the absence of Col. Jenings and Col. Ludwell now in England reduced under the number of nine. I did in pursuance of the power granted me by H.M. for supplying that vacancy on 27th Jan. call to that Board Major Nathaniel Harrison, whom I formerly recommended to your Lordps., and on 6th Feb. Mr. Mann Page a young gentleman of a liberal education, good parts and a very plentiful estate, and whose father and grandfather had the honour of the same post. After this Mr. Edmund Berkley brought me H.M. letter for swearing and admitting him into the Council, but at the same time insisted upon his taking place of all others sworn in since the date of his letter, alledging that from that time he was to be look'd upon as one of the Council tho' not sworn, and so preferable to any of my nomination; but as I do not pretend to any authority here except what is derived from H.M. and that I look upon myself to be equally impowered and under an equal obligation of obedience whether H.M. commands be signified to me under the Great Seal as is the power given me by my Commission for supplying vacancies in the Council or by H.M. sign manual as the letter in favour of Mr. Berkley is, and besides that all the precedents I can find are plainly against this Gentleman's pretension, except where it hath been otherwise directed by H.M. express commands, I did not think it proper for me to determine that point in his favour, upon which he refused to be sworn; and having occasion since to convene the Council I gave him notice thereof, that he might then take the opportunity of being sworn, but he returned answer that he was not resolved whether he should accept thereof or not untill he had right done him. Whereupon I did on the first instant swear Mr. Robert Porteus to make the number of the Council nine. This last gentleman being of a very good character both for good sense and loyal and honest principles, and besides of a very considerable estate, I take the liberty to recommend both him and Mr. Page to your Lordps'. favour that they may be confirm'd in that post, which I hope their services to H.M. and their country will merit. At the same time I beg your Lordships will do me the justice to believe that I have not been hasty in filling up the Council, out of any dislike of Mr. Berkley, or upon the account of his being put in without my recommendation, but rather to construe it a seasonable precaution to supply the General Court (which now draws near) with a sufficient number of Judges not allied to one particular family: for since the death of the three gentlemen above-named (as I perceive by Mr. Secretary Cock's letter) the removal of Mr. Jenings, the greatest part of the present Council are related to the family of the Burwells, and as there are sundry other gentlemen of the same family, whose qualifications may entitle them to be of the Council, if they also should be admitted upon the said private recommendation as Mr. Berkley hath been, the whole Council would in a short time be of one kindred. As it is now, if Mr. Bassett and Mr. Berkley should take their places, there will be no less than seven so nearly related that they will go off the Bench, whenever a cause of the Burwells come to be tryed, whereby there must in all such cases

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be a failure of justice, unless the Council (who are by law constituted the sole judges of the General Court) be composed of a competent number of other persons not liable to the same exception. This consideration will I doubt not prevail with your Lordships to believe that the recommendation of a Governor is more disinterested than many times that of other persons, and may be often necessary to secure a ballance both on the bench and at the Council Board. However, when Mr. Berkley thinks fitt to offer himself to be sworne, I shall readily admitt him, and it is purely his own neglect that he was not sworne before either of the Gentlemen with whom he now disputes : for he had his letter by the same ship which arrived on the 5th Jan. and brought me that for swearing the Secretary, and yet he gave me no notice that he was appointed of the Council till after Mr. Page was sworne, nor shew'd me H.M. letter till Feb. 8th. If H.M. shall not think fitt to give Coll. Basset his former rank in the Council, I cannot recommend a fitter person to supply the vacancy than Mr. John Robinson nephew to the present Bishop of London, he is now with his uncle, and if he returns hither (which is yet uncertain) I hope your Lordps. will afford him the honour of serving H.M. in a station he is well qualified for. Mr. Thomson, who for some years past was Attorney Generall of this Colony, died in the beginning of last month, and I have commissioned in his place Mr. John Clayton an English Gentleman and a barrister-at-law, who has as fair a character as anyone I ever knew of that profession. *Signed, A. Spotswood. Endorsed, Recd. 1st, Read 9th Sept. 1714. 6 pp. Enclosed,*

603. i. Treaty of Peace concluded between Lt. Governor Spotswood and Deputys from that part of the Tuscoruro Nation lately inhabiting towns of Rarocaithee, Kintha, Junonitz and Tahoghkee. Williamsburgh, Feb. 27, 1713 (-14). Whereas the Indians of the late Tuscoruro towns Rarocaithee, Kintha, Junonitz and Tahoghkee and divers others of the same Nation who during the war with the Province of North Carolina deserted their settlements on the frontiers of that Province, have for some time past continued dispersed on the north side of Roanoake River within the bounds of Virginia, and after sundry applications for obtaining a peace with the said Colony and the liberty of settling themselves within the limits and under the protection thereof have now deputed and sent Naccouea-ighwha, Nyasauckhee and Narrouiauckhas great men of the said towns humbly to represent their innocence the late barbarous massacre in North Carolina and in the war which ensued thereupon, for avoiding whereof they voluntarily retired very early from their ancient settlements, and have not since been aiding or assisting to the rest of their nation engaged therein : and the said Deputys having further represented that it is impossible for them any longer to subsist in the condition they are at present, nor to restrain either their own people or that ungovernable



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multitude of other towns which have since resorted to them from supplying their necessities by rapine and hostility on some of the English. And whereas the said Indians have as an earnest of their sincere desire to continue in friendship with the English first delivered up Hancock the ringleader in the massacre to the Government of Carolina, and lately seiz'd and delivered to this Government of Virginia two Tuscoruro Indians who last summer committed a barbarous murder on Roanoak River promising to bring in the other as soon as possible, and have now humbly begg'd that a Peace may be granted them with the liberty of settling themselves within the bounds of Virginia offering to become Tributarys, and to submit to such terms as the Governour of Virginia shall think fit to impose for securing forever hereafter the inhabitants of the said Colony and all other H.M. subjects in the neighbouring Provinces against any dangers from them and their adherents: the said Governor of Virginia being desirous as well to re-establish the peace and tranquility of the Province of North Carolina, as to terminate the great expence which the Colony of Virginia hath for some years undergone for the defence of its frontiers, and more especially with a pious intention to convert the sd. Nation of Indians from Paganism and Idolatry to the true Christian Faith to which they have now manifested a good disposition, Hath with the advice of H.M. Council concluded this present treaty as follows, (1) It is hereby stipulated and agreed on the part of the sd. Indians that they and their posterity shall from henceforth become Tributarys to her Majesty of Great Britain and her successors, under the subjection of the Government of Virginia, and shall submit to such forms of Government, and be obedient to such rules as the Governor of Virginia shall appoint. (2) The sd. Indians do consent and agree that as soon as a place shall be set apart for their habitation, and a Minister and School Master established there, all their children shall be taught the English language and educated in the principles of the Christian Religion; and in the meantime twelve boys of the principal familys of their Nation shall be sent to be taught and educated at the Saponie Town whenever a School Master shall be established there. (3) There shall be a firme peace and amity forever hereafter between the said Indians and all others that shall incorporate with them and the Governmt. of Virginia and inhabitants thereof as well English as Tributarys; and if any murder, robbery, theft, or other capital crime shall be comitted by any of the Indians aforesaid, the sd. Nation shall forthwith deliver up the offender to be tryed and punished according to the laws of Virginia, and for all lesser offences, committed by an Indian, to any of the English and all

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disputes and controversys between them, the same shall be determined by the proper judges appointed by the Governour for that purpose neither shall either party be permitted to seek redress by any other means. (4) The Governor of Virginia shall use his endeavours to establish as soon as may be a peace with the Senequas, so as the sd. Tuscoruro Indians may securely without danger of being attack'd by that nation hunt in all the places that shall be assigned them for that purpose. But it is nevertheless expressly stipulated that the sd. Tuscoruro Indians shall neither before or after such peace hold any correspondence with the Senequas or other forreign Indians without the approbation and license of the Governour of Virginia for the time being ; and more especially that they shall not harbour or assist any Indians engaged in war with any of H.M. Colonys or plantacons. (5) If the said Tuscoruros shall discover any conspiracy carrying on by any of their own Nation or of the other Tributary Indians, against H.M. subjects or the other Tributary Nations : or that any strange Indians are on their march for attacking the inhabitants or Tributarys of Virginia, the sd. Tuscoruros shall give immediate notice thereof to the Governour for the time being, and be ready with all their force to suppress such conspiracy or forreign invasion : and shall whenever required march with the forces sent out by the Governour of Virginia, against all enemyes whatsoever. (6) The Governour of Virginia shall allott and appropriate for the habitation of the said Tuscoruro Indians [*a tract of land*] between James River and Rappahannock equivalent to six miles square whereon they may build a fort and town and make improvements for their more convenient dwelling and subsistance. They shall also have liberty of hunting on all unpatented lands between the sd. two Rivers without hindrance or molestacon ; and in case it shall happen that the lands between the said two rivers be hereafter taken up and patented by H.M. subjects as high as the sd. Indian settlement, so as it may be found convenient to remove the sd. Indians to a further distance there shall be of new laid out and assigned a tract of the like quantity of land equally convenient for their habitation, and due satisfaction made them for such improvements as they shall leave at their removal : But the sd. Indians shall not sell or alienate any parts of the lands to be assigned for them ; the same being hereby intended to remain in common to them and their posterity and all sales or leases thereof made by them to any Englishman, upon what consideracon soever are hereby declared to be ipso facto void. Nevertheless it is hereby concluded and agreed that there may be set apart by the Governour of Virginia out of the land assign'd from time to time for the habitation of the sd.

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Indians, a tract not exceeding 2000 acres for the better support of the Minister and Schoolmaster to be established there, and of the officers and souldiers to be appointed for the guard of the sd. Indian Fort, which tract shall in like manner remain for the use of the said Minister, schoolmaster, officer and soldiers according to the distribution thereof to be made for each respectively by the Governour of Virginia, without being subject to the alienation, mortgage, or lease of any of the persons in those imployments. Provided always that if through mortality or desertion the sd. Nation of Indians shall decrease to an inconsiderable number no greater tract of land shall be required by them for their habitacon than according to the proporcon of 100 acres for each person with the liberty of hunting on all the unpatented lands between the sd. Rivers as aforesaid. (7) The sd. Tuscoruro Indians shall within seven months remove themselves from Roanoake River and from all other places within the bounds of Virginia where they are now dispersed to the land which shall be assign'd them as aforesaid between James River and Rappahannock and shall within ten days after their return from hence to Roanoak begin to deliver 20 men, women or children of the chief of the familys of their nation to be kept as hostages at the town of the Nottoway Indians there to remain until the sd. Nation have removed to the place assigned them as aforesd. and have given such further security as shall be required for performance of the Articles herein stipulated : after the delivery of which hostages licenses shall be granted the sd. Indians to trade and purchase such a quantity of ammunitiion as shall be necessary for their subsistance. (8) For the better defence of the said Indian settlement there shall be maintained at the publick charge of the Government of Virginia[n] an officer and twelve men to reside in their Fort, so long as it shall be found necessary to assist them against any strange Indians by whom they may be attacked, and to go out with them in their hunting as there shall be occasion. (9) During the continuance of the sd. officer and men at the Indian Fort aforesaid none of the sd. Indians shall depart off the grounds allotted for their habitacon, nor repair to the towns of the other Tributary Indians except in company of some of the English residing at their Fort neither shall any of the sd. Indians depart off their hunting grounds or come among the inhabitants without the license of the Governour, or the Captain of the Fort or in company of some Englishman belonging to their Fort, on pain of being punished at the Governour's discretion nor shall it be permitted them to hunt on the land of any other Tributary Indians without the license of such Tributarys. (10) For the conveniency of the



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sd. Indians, and for the more regular carrying on the trade, there shall be a publick Mart and Fair kept at their settlemt. at least six times in a year, where it shall be free for all H.M. subjects to resort with their wares and merchandizes, and to exchange the same with the Indians for their skins, furs and other commoditys, and Magistrates shall be appointed to attend at the sd. Fairs to see the trade justly manag'd to enquire into any abuses or injurys offered to the Indians by any of the English residing among them and to administer justice in all controversies that may arise between either party concerning the same. (11) Any other of the Tuscorura Nation, who shall within twelve months desire to incorporate within the sd. town or settlement of Indians, and submit to the aforegoing regulations and articles shall be received to the benefite of this Treaty ; excepting only such of the sd. Indians as were notoriously guilty of the late massacre in North Carolina, or of the late murders on the frontiers of this Colony, and if any such notorious offenders shall resort to the said settlement, the said Indians do solemnly promise to secure and deliver them up to the Government of Virginia to be punished according to the laws thereof. (12) Whereas by the first article the said Tuscoruro Indians have submitted themselves Tributarys without any specification of the quality or proporcon of tribute to be paid by them, the Governour of Virginia preferring the safety and benefite of H.M. subjects to all private advantage which he might reap from the tribute of skins which have usually been paid by the Indians to former Governours, and desiring by easing them in that particular to engage them the more to a faithful observance of this present Treaty, doth hereby stipulate and agree with the sd. Indians that the sd. nation shall only pay as an acknowledgment of their dependance on the Crown of Great Britain, the yearly tribute of three Indian arrows to be delivered by the chief men of the sd. Nation to the Governour or Commander in Chief of Virginia for the time being yearly on St. George's Day at the Palace in Williamsburg. *Signed, The Mark of Narrouiauckhas (Totem Mark), Nyasaugh-keé, (Totem Mark), Naccouiaighwha (Totem Mark).* *Endorsed, Recd. 1st, Read 9th Sept. 1714. 5 pp.*

603. ii. Treaty of Peace concluded by Lt. Governor Spotswood and Ouracoorass Teerheer of the Nottoway Indians. Williamsburgh, Feb. 27th, 1713. Whereas the lands laid out and appropriated for the settlements of the Nottoway Indians in pursuance of the Articles of Peace made at Middle Plantacon the 29th of May 1677 being now encompassed by the latter settlements of the English inhabitants, are thereby become inconvenient for the hunting by which the sd. Indians subsist, in regard, that being obliged to pass through the plantacons of the

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English quarrels do often arise to the interruption of good correspondence between H.M. subjects and the sd. Nation of Indians; whereupon the Teerheer of the said Nottoways having intimated his desire to change his present settlement for one more remote from the English as well for avoiding all occasions of difference with the inhabitants as for the conveniency of a larger range for hunting. The Governour of Virginia being desirous to grant so reasonable a request: and at the same time to employ the service of the sd. Nation of Indians (of whose fidelity he hath had several proofs) for the protection of H.M. subjects inhabiting the frontiers of this Colony, and willing also to lay hold of this opportunity to improve the favourable disposition of the sd. Nation towards embracing the Christian faith by which means the glory of God may be promoted and the fidelity of the sd. Indians secured by the stricter ties of religion, hath therefore by and with the advice of H.M. Council concluded this present Treaty as follows. (1) The sd. Nation of Indians shall from henceforth continue Tributarys to H.M. of Great Britain and her successors under the subjection of the Government of Virginia. (2 and 3) *Similar to articles 2—5 supra.* (5) There shall be set out and assigned for the settlement of the sd. nation and all other Indians who shall thereafter incorporate with them a tract of land between the Rivers of Appomattux and Roanoak above the inhabitants equivalent to six miles square, where they may build a fort and make improvements for the conveniency and subsistence of their familys; and moreover there shall be set apart a sufficient tract of hunting grounds for the sd. Indians between Roanoak and James Rivers to be bounded in such manner as the Governour shall think fit. And if it should happen that the lands in those parts be at any time hereafter taken up and patented by H.M. subjects as high as the present intended settlement *etc.* as 6 *supra.* (6—8 as 10 *supra.*) (9) The Articles of Peace concluded 29th May, 1677 so far as the same are [*? not Ed.*] altered by this present Treaty are hereby ratyified and confirmed, and shall be construed to extend to all the Indians who shall hereafter incorporate with the sd. Nottoways. (10) If any infringements be made of this present Treaty by any of H.M. subjects within the Colony of Virginia, upon a representacon thereof made by the sd. Indians, due reparation and satisfaction shall be given them therein. (11) Whereas the Governour of Virginia did some years ago in order to encourage the sd. Indians to send some of their children to be educated at the Colledge of William and Mary, remit the annual tribute of skins which were payable by the sd. Indians to the Governour for the time being and it being

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stipulated by the first article *etc.* as No. 12 *supra*.  
Signed, The mark of, Ouracoorass, Teerheer of Nottoway.  
(Totem mark). Same endorsement. 4½ pp.

603. iii. Treaty of Peace concluded by Lt. Governor Spotswood and Tawheesocktra, Hoontkey of the Saponies, Nehawroose in behalf of the Hoontkymyhá of the Shikanox Indians, Chawco in behalf of the Hoontky of the Occoneechee Indians, and Mauseeuntkey, Hoontky of the Tottero Indians. Williamsburgh, 27th Feb., 1713. Whereas the several Nations of Indians aforementioned have for some years past lived as Tributarys to H.M. Government of Virginia and inhabited a small tract of land on Maherine River, which now is encompass'd by the English settlements *etc.*, as the preamble to preceding. Articles as (1) *supra*. (2) as *supra*, but without clause as to the 12 boys. (3) and (4) as *supra*. (5) as *supra*, the tract of land to be south of "James River above the inhabitants." (6—11) as 6—11 preceding. Signed, The marks of Chawco (Totem Mark), Mauseeuntky (Totem Mark), Tauheesoká (Totem Mark), Nehaurooss (Totem Mark). Same endorsement. 4 pp. [C.O. 5, 1316. Nos. 110, 110 i.-iii.; and (without enclosures) 5, 1364. pp. 45—57.]

March 9.  
Virginia.

**604.** Lt. Governor Spotswood to the Earl of Dartmouth. Repeats part of preceding and refers to laws passed in the last session. Signed, A. Spotswood. 3 pp. Printed, Va. Hist. Soc. Coll. (Spotswood Papers) II. 63. Enclosed,

604. i. Minutes of Council of Virginia, Aug. 12—March 1st, 1713.

604. ii. Minutes of Council in Assembly of Virginia, Nov. 6—Dec. 12, 1713.

604. iii. Journal of House of Burgesses of Virginia, Nov. 5—Dec. 12, 1713.

604. iv., v., vi. Duplicates of Nos. 603 i.-iii. [C.O. 5, 1341. Nos. 20, 20 i.-vi.]

March 9.  
Nevis.

**605.** Lt. Governor Smith to [? the Earl of Dartmouth.] I have the honour to receive your Lordship's letter of Oct. 19th and was prepared to have given your Lordship an account of occurrences here had any good opportunity happened. The late Generall Douglas thought fitt to leave his Government the 4th Dec. last, when he embark'd for England. Before he went off he sent me H.M. Instructions, and Seal of the Islands; and orders to take care of the Government of the Leward Islands till H.M. pleasure should be known; which I have accordingly done, only the expectation of another Generall's coming suddenly made me delay visiting the other Islands 'till now that I intend to doe it, so soon as H.M. ship that is to attend this Government is come from Barbadoes. In November last Col. John Pearn arrived from England, went from Antigua to Montserrat to take charge of the government of that Island pursuant to H.M. Commission



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to him ; but was obstructed by Capt. John Marshall who was putt into that post in Aprill 1713 by the late Generall Douglas, because of Coll. Pearn's absence ; upon which he came to me, and I finding he had H.M. lycence for staying in England, and came out againe with her Commission, writt to Mr. Marshall, not to obstruct Mr. Pearn but deliver him the Government ; but he peremptorily refused it ; and writt me, nothing should displace him but a suspension in answer to which I did suspend him in January last since which Mr. Pearn has had the government of that Island, *etc.* *March 13.* By a letter I recieved yesterday from our prisoners att Martinique, they complaine they receive severe and barbarous usage from the French ; they are not permitted to go out, but by two att a time and a soldier with them, whose victualls they are obliged to pay for, and dare not speak but with great caution otherwise they are insulted. They are a great charge to this Island, my Lord, and expend also their own estates and youth in prison in time of peace ; wherefore I beseech your Lordship's favour and compassion towards them by laying their case before H.M. in Councill, when an address from this island to H.M., which will be delivered your Lordship by the agent for this Island, shall be layd before her, that some means may be used for their speedy redemption. *Signed, Dan. Smith. Endorsed, Rd. 5 May. 1½ pp. [C.O. 184, 1. No. 29.]*

March 9.  
Whitehal.

**606.** Council of Trade and Plantations to Lord Bolingbroke. *Reply to April 16th.* We have discours'd with some of the most considerable Jamaica merchants. and planters here, in relation to the keeping of Col. Handasyd's Regiment there, *etc.*, and considered what has been writ to us by Governor Lord A. Hamilton, and humbly represent, that during the late war the Assembly did in addition to H.M. pay, allow quarters to the private sentinels, or 5s. per week to each man at the choice of such planters as were to quarter them, and 20s. per week to the officers, and this was done from year to year by temporary Acts ; in which the Assembly have sometimes put such hardships upon the officers that H.M. has thought fit to repeal some of them. Since the Peace, the Assembly have passed another Act for subsisting the said Regiment which consists but of 300 private men, besides officers, to the 1st of May next, and no longer, and have declared (as we are inform'd, not having yet reced. the Journals of that Assembly) that they will not continue it any further. And the merchants and planters are all of opinion, that they will adhere to that resolution ; in which case, it is not possible for the Regiment to subsist there on Her Majesty's pay only. As to the consequence of recalling the Regiment, we take leave to represent, in concurrence with the opinion of the Governor and of the merchants and planters here, that Jamaica being in a manner surrounded by Spanish and French settlements, if there is regular force there, it may be in danger from the attempts of an enemy in case of any rupture hereafter. That there are a great number of rebellious negroes in the mountains, who frequently

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do a great deal of mischief : Besides the inhabitants are in great apprehension of an insurrection of their own negroes, being about 40,000 in number, and very insolent, and not 3000 whites able to bear arms in the Militia, so that if the regiment were absolutely recalled, the Island wou'd be much less able to resist the said negroes in case of an insurrection. To obviate therefore this danger, the merchants and planters here, propose, that the corps of the regiment be recall'd, and the private sentinels left at liberty to stay or return, the greatest part of whom they doubted not wou'd remain there, and be by consequence inlisted in the Militia. Upon which we take leave to observe, from what the Governor has writ us, that the militia of that Island is too few, and too much scatter'd for the defence of so large an Island, even from their own negroes : that upon his viewing the said militia, tho' but a regiment at a time, he was forc'd to send a body of horse into those parishes from whence the foot were drawn, so apprehensive were the planters of their negroes. We further take leave to observe, that the fort at Port Royal (which cost about 100,000*l.*) is mounted with 120 guns, and so formidable, that it has never yet been attempted by an enemy, and is absolutely necessary for the security and defence by H.M. ships, of the Island, and the trade thereof, in time of war : so that we cannot think it proper or advisable for the reasons aforementioned, that a fort of such consequence shou'd be left in the custody of the Militia there. And therefore we humbly offer, that two or three independent companies to be left there, will be necessary even in time of peace, to guarrison the forts and to keep other guards, for the safety of that Island and the Government thereof. *Autograph Signatures.* 4 $\frac{3}{4}$  pp. [C.O. 137, 46. No. 6 ; and 138, 14. pp. 88-91.]

[Mar. 11.] **607.** Mrs. Fryday to the Council of Trade and Plantations. *Prays for representation on reprieve of her son, John Fryday, which will expire June 18 (v. July 11, 1713). He is convicted of clipping and lightening Spanish money in Jamaica, being unwarily drawn into the committing of that fact from his ignorance of the crime and the observation of its being commonly practised in New England without the persons being accused or thought guilty of a capital offence, etc.* *Signed, Frances Fryday.* *Endorsed, Recd. Read March 11, 17 $\frac{13}{14}$ .* 1 $\frac{1}{2}$  pp. [C.O. 137, 10. No. 44.]

March 12. **608.** Council of Trade and Plantations to the Queen. In Whitehal. obedience to your Majesty's Order in Council, we have reconsider'd our representation of Feb. 21st, upon the petition of Thomas Simpson etc., and the Act of Jamaica investing the estate of Thomas Finch in trustees, etc., and have further consulted your Majesty's Attorney and Solr. Genl. thereupon, and heard the parties on both sides, etc. And upon the whole, we humbly represent, that we find no reason to alter our former representation, the facts therein contain'd appearing to us to be true, except, that whereas we did then represent that by the laws of that Island

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real estates were not subject to pay debts, we now find upon a more strict enquiry, and confirm'd to us by some of the most considerable planters here, and not deny'd by those who appear'd for the Act, that there is indeed no written law for it, but that it has been the constant practice and usage in the said Island, and therefore, for the reasons we humbly laid before your Majesty by our said representation, we are still of opinion that the said Act *for vesting Finch's estate, etc.*, is unprecedented and unreasonable, and that your Majesty be graciously pleased to signify your disallowance of the said Act. [C.O. 138, 14. pp. 92, 93.]

March 12.  
Whitehal.

**609.** Council of Trade and Plantations to the Queen. Recommend John Fryday for H.M. pardon, upon the grounds urged by Governor Lord A. Hamilton. 2 pp. [C.O. 137, 46. No. 7; and 138, 14. pp. 94, 95.]

March 12.  
Queen's Bench  
Buildings.

**610.** Jeronimy Clifford to Mr. Popple. Enquires result of his letter Dec. 30, 1713, *etc.* Signed, Jer. Clifford. Endorsed, Recd. 16th March, Read 14th April, 1714. Addressed.  $\frac{3}{4}$  p. [C.O. 388, 76. No. 166.]

March 17.

**611.** Col. Blakiston to Mr. Popple. (v. March 4). *In reply to letter inviting his suggestions, Proposes* that the Adventurers in Virginia be exempted for 21 years from paying any share H.M. might retaine of the silver mines, the undertakeing being hazardous, the country poor, and they not insisting that H.M. be put to any charge, *etc.* Signed, N. Blakiston. Endorsed, Recd. 17th March, Read 12th May, 1714. 1 p. [C.O. 5, 1316. No. 105; and 5, 1364. pp. 30, 31.]

March 18.

**612.** Lord Bolingbroke to the Council of Trade and Plantations. You have herewith a copy of an address to H.M. from the Councill and Assembly of Jamaica. The Queen has not thought fit to give any answer to this address, but has ordered me to transmit it to your Lops. for your consideration. And on this occasion H.M. directs me to acquaint you that these disorders and confusions in that country, and in other H.M. Islands and Colonys in those parts seem to be come to so great a heighth, as to require some speedy remedy to be applyed for putting an end to them. Her Majesty has therefore determined to send some person into those countrys with a Commission in the nature of that which was given to Mr. Nicholson for the Northern Colonys. Wherefore your Lops. will please immediately to take into your consideration the present state of things in Jamaica, Barbadoes, the Leeward Islands, and other H.M. Colonys in those parts in order to prepare such Instructions as may be proper to be given to the said Commissioner, or to be sent to the respective Governments whither he is to go. Not knowing whether your Lops. have had any account of matters in Jamaica of the same kind as I have received, I send you herewith an abstract of some occurrences in that Island since the Government of the Lord Archibald Hamilton,



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which have lately come to my hands. *Signed*, Bolingbroke. *Endorsed*, Recd. 18th, Read 19th March, 17 $\frac{1}{2}$ . 2 pp. *Enclosed*,

612. i. Address of the Council and Assembly of Jamaica to the Queen, Dec. 24, 1713. Wee your Majesty's most dutifull and loyal subjects *etc.*, having nothing so near our hearts as your Majestie's safety and the welfare of this Island (formerly esteemed none of your Majtie's. least valuable jewels but) now likely to become the meanest of all your Majtie's. Colonies in America, since we have lost the benefits of vending dry goods the manufactures of Great Britain, and the produce of your Majtie's. northern Colonies as well as negroes to the subjects of Spain in America by the Assiento lately settled. Wee therefore humbly assure your Majesty that if an exclusive Company for the trade to Africa should prevail it must wholly discourage all persons from coming to settle in this Island and put your Majtie's. subjects now here upon thoughts of abandoning their estates and removing to some other places where they may labour for themselves and not for an exclusive Company and by that means this your Majtie's. Island may be left without any manner of defence, many years experience under an African Company even before the Assiento was in the hands of the English has shewn us that if they should be re-established we must certainly be ruined. And we are convinced by the enjoyment, which we had of an open trade to Africa for some years last past that this your Island may be relieved from utter destruction if your Majtie's. subjects may have a free trade to Africa as formerly. The many reasons already made use of in Great Britain against such exclusive trade are so full that we concieve there can be nothing more added to them but our own fatal experience which we have already mentioned. We therefore humbly lay ourselves at your Majestie's feet, and do implore your most sacred Majesty to reserve this your Island from utter ruin by preventing an exclusive trade to Africa wch. if again settled will perfectly destroy this Colony. *Signed*, Wm. Cockburn Cl. Conc. Pe. Beckford, Speaker. *Endorsed as preceding*. Copy. 2 $\frac{1}{2}$  pp.

612. ii. Abstract of occurrences in Jamaica during Lord A. Hamilton's Government. (a) *Description of the opposition of Mr. Beckford (recommended by Lord Dartmouth) and Totterdale and their adherents to the Governor and Court party.* (b) *Remarks upon the whole.* During the whole time of my Lord Archibald Hamilton's Government, he has scarcely obtained any request for the better support and countenance of his own authority, for the gratification or encouragement of his friends nor releif to any complaint made to him by the Assembly, merchants or seafaring men. Those persons who have

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faithfully and zealously served H.M. in the Island, to his Lop's. entire satisfaction, have either there or in Britain, been put to a great deal of trouble and charge by some vexatious proceedings of the factions or their emissaries. Those persons whom his Lop. has complained of, have been so far from receiving a reprimand, that they have met with countenance. Some of those very persons who now disturb the Government of Jamaica, have always attempted the same under former Governors successively, from the time of Sir Willm. Beeston, and have been complained of by them, but through the support those Governors have had from the Crown, and Ministry, their faction has been kept from the height they are now arrived at. The authority of the Governor is now so low, and the proceedings of this Assembly such, that there is a general terror in the minds of most of the inhabitants, and persons concerned in that Island, of greater misfortune likely to be the consequences of them. The characters of the principal actors in these affairs, are such, as might give everybody who know them, apprehensions from their management, and make them doubt if the Government can be safe, when the regiment is recalled, and no soldier there in pay under the Governor's command. *The whole endorsed as preceding.* 18 pp. [C.O. 137, 10. Nos. 45, 45 i., ii. ; and (without enclosures) 138, 14. pp. 95-97.]

March 19.  
Whitehall.

**613.** Council of Trade and Plantations to Capt. Gookin, Depty. Governor of Pennsylvania. *Enclose Orders of Council*, Feb. 20, confirming and repealing laws. "And that you may be informed of the reason for repealing the said Laws, we send you here inclosed a copy of Mr. Solicitor General's report," etc. [C.O. 5, 1292. p. 416.]

[Mar. 19.]

**614.** Remarks on the present state of the English settlements in Newfoundland [by Capt. Taverner]. The Admirals appointed by the Newfoundland Act to decide differences in relation to fishing rooms, etc., have intirely neglected it in all its parts ; indeed at their first arrival they claim their prerogative as per said Act, as farr as it suits with their own interest and no farther, except a particular friend of theirs should arrive with a fishing ship, in such case shoud the ships fishing rooms of that harbour be taken up before he arrives they often disposses some planter or other for him, pretending that his title is not good to the room he possesses, when the Commanders of men of warr some years before adjudged it to be the sd. planters' right. These things are often done and several of the inhabitants' fishing voyages ruin'd thereby. It's common that what is done one year in relation to fishing rooms is contradicted the next, so that the fishing rooms are not settled to this very day, many times those Admirals never were in the land before nor know anything of the

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matter ; in which case some old West country master, commonly takes care that the sd. Admiral shall do nothing but what he pleases, those are the patrons that are commonly called kings in that country, who sacrifice other people's interest frequently, to serve their own. The Admirals are some of the first men that cut down the roofes of their stages, cook-rooms and fleaks, which paves the way for the inhabitants to follow their exemple, who in ye winter season generally carry away all the remainder ; it's certain the Admirals are seldom or never at leisure, to hear any complaints whatsoever, except one of their favorites is the plaintiff. Ships from Lisbon and other forraign parts frequently fish in the land without clearing out from any Custom-house in England according to the Act, nay several fish yearly which never were in England, and yet are Admirals, when they arrived the first in port in Newfoundland, which our ships from England qualified according to ye Act have seldom or never taken any notice of, and I am satisfied none of the Admirals ever made a representation of this to Government as directed by the present Act. Besides those ships aforementioned carry great quantitys of wine and brandy, to Newfoundland, which is very destructive to that trade, as per exemple, those ships can carry nothing to Newfoundland from those parts but wine, brandy, salt, sugar and oyle. When salt is scarce, they generally use this method ; when the planter comes to buy a certain quantity of salt, yes says the ships master you may have it, but you must take a butt of wine, and a quarter cask of brandy, with every ten hogsheads of salt, this the buyer is often obliged to do, otherways his men must sit still and catch no more fish ; and ten hogsheads of salt will make but 100 quintals of fish, and many times the price of the salt, and ye wine and brandy forc'd upon them, which they have no occasion for, amounts to 75 or 80 quintals of fish. This I think is as great a hardship upon the fishers, as ever was heard of, and if not remov'd, its impossible for the greatest part of the inhabitants of Newfoundland ever to prosper by the fishing trade ; those Gentlemen are frequently soliciting, to gett their wine and brandy sold, by those means every inhabitant's house is a tavern, and often the ship masters retale wine and brandy in their stores. The New England traders bring vast quantitys of rumm, which they retale out of stores and on board their vessels, it is plain that between all those taverns, stores and vessels which retale liquors as aforesd., that drunkenness abounds exceedingly. I have often seen from 100 to 200 men drunk of a Sabath day, in the moneth of Sept. at some places when rainy weather, it is rare to see a fisherman sober *etc.* ; the fishing trade must suffer very considerably thereby. I really believe, that for profanation of the Sabath, swearing and drunkenness no place in the world is like it. The New England traders bring vast quantitys of tobacco, which I believe seldom or never pay the plantation duty, by rebateing their tobacco and rumm they enhance all the money brought to Newfoundland from England and forraign parts, and carrys it to New England, where they sell it at 50 p.c. advance, otherways wou'd be brought



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to Brittain, the other part of their produce they sell for fish, which fish they sell to those masters of ships that come out of Brittain for bills of exchange, on the Brittish merchants, those bills they carry to New England and sell them at 40 or 45 per cent. The New England traders never load fish in Newfoundland and carrys it to ye proper markets upon their own accots., which is a detriment to ye trade, for no ship or vessel, can encourage that trade, but such who catches fish, or carrys it to ye proper markets. Those New England traders, it's certain, are very discouraging to those fishing ships from England, and planters in Newfoundland, which carry their men and most of their necessarys yearly out of England, and that have no other way to make returns to old England, but by selling their fish for bills of exchange, to pay their men's wages for that season, and to buy goods to carry to Newfoundland ye nixt season, which bills they are often disapointed of, by the New England men, for when fish is plenty in Newfoundland, and bills scarce, the New England traders, do sell their fish for a rial or two cheaper in the quintal than ye others can do, by this means they get bills, and those gentlemen, from England as aforesd., are obliged to house their fish in Newfoundland, and render'd uncapable of paying their men's wages, or buying ye necessarys in England for ye nixt season. In my opinion, should the fish in Newfoundland be carryed to France, Spain, or Portugal or Italy, in Brittish ships and the oyles, furr, and bills of exchange brought directly to Brittain, that the whole yearly produce of the Newfoundland trade, wou'd center in England once every twelve moneth. The masters of ships in Newfoundland generally endeavors to force their goods upon the inhabitants, especially the poorer sort, who generally pays dearest, say they if he makes a good voyage, we shall be all pay'd, and if he does not, says everyone to himself, I will be quick enough to gett my payment, by this means they have a jealous eye the one over ye other; if the fishing do not prove so good as expected, some of those masters will fall upon them before the fishing season is half over, take away their fish before half made, another comes and takes away his train, and many times there comes a third who has more men than them and takes it away from the former. He that has most men he is sure to have the greatest share, this is a common practice in Newfoundland, they never acquaint ye Admirals with those proceedings, before they do it, neither do the Admirals trouble themselves with it afterwards; but ye consequence lyes here, the planters' men will catch no more fish, because they have no hopes of getting any wages, the planter is ruin'd, and all ye rest of the creditors unpaid; which if they had given him the liberty to make his fishing voyage, might have paid them all; The merchts. of England have suffered exceedingly by this unparallel'd thing, there being no precedent for it in the whole Christian world, I am fully satisfied, that by this thing and ye multiplicitly of liquors imported into Newfoundland yearly, that ye trade thereof have suffered more, than by the French plundering it so often in the late warrs. It's most certain that

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ye Admirals in Newfoundland, have never taken any care about ye good of that trade, and their reasons generally given for it are, that they came to Newfoundland to mind their owners' business, and as nothing was allowed them to defray the charges of keeping Courts, they cou'd not do it. *Endorsed*, Recd. 19th, Read 20th March, 17 $\frac{3}{4}$ . 4 pp. *Enclosed*,

614. i. Captain Taverner's proposals for an Act of Parliament to encourage the trade and fishery of Newfoundland and remove the *above* difficulties. 7 pp. [C.O. 194, 5. Nos. 35, 35 i.; and 194, 23. Nos. 14, 14 i.; and 195, 5. pp. 337-359.]

March 22.  
Jamaica.

**615.** Governor Lord A. Hamilton to the Council of Trade and Plantations. *Encloses duplicate* of Dec. 26, 1713. In this I proceed to give a farther accot. to the time the Assembly adjourn'd themselves for a month against my leave, the ends for which they were called together not being in any degree answered. I was in hopes that after so long an adjournment as three weeks, which to gratifie them I had before agreed to, they wou'd have mett in good temper, and with a disposition to doe business, and proceed with moderation; but your Lopps. will find at large by ye Minutts of the Assembly and Journall of ye Councill herewith transmitted, that their proceedings have been still more and more violent and unwarrantable, but for your Lopps.' ease I shall endeavour out of ye whole to give you in one view some part of their conduct. It may be observed from ye Speech at ye opening of ye sessions and ye Assembly's Address in answer to it, that ye making such laws as shou'd tend to ye honour and interest of the Island at this juncture, the supporting ye Government, and supplying ye Revenue, were ye ends for which they were called together; how well they have answer'd and acquitted themselves of ye engagements and promisses made in their sd. Address and on other occasions repeated, will best appeare from ye following particulars. First, then, upon their entry into business, they not only caused several of H.M. subjects to be imprison'd upon frivolous pretences and words, said to be spoken at or before ye elections, but imposed on them ye payment of exorbitant sumes of money, vernished over by ye name of fees. Secondly, by their passing a Bill of a very unusuall and extraordinary a nature, entituled an Act, for supplying a sume not exceeding 1,200*l.* court. money of Jamaica to make good 900*l.* sterl. for ye solliciting the passing of laws and other publick affaires of this Island in Great Britain for three years; a copy whereof being transmitted herewith I need inlarge no farther upon it. Thirdly, by their attempting to wrest ye command even of H.M. Regmt. in Her own pay, out of my hands, by passing a vote and making an order for some of their own members to view and number all ye sergeants, corporalls, drumms and private soldiers of ye sd. Regmt., and that without previously asking my leave. Fourthly, by their having assumed to themselves a power of redressing hostilitys committed on Major Edward Cooke, one of their own members by ye subjects of Spain after the

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cessation of arms, which regularly belongs only to ye Governor to interpose with forreign Govrs. and finally to represent ye same to H.M. Fifthly, by their passing a bill entituled an Act for regulateing ye Ministers of this Island (*copy enclosed*) whereby ye rights of ye Church of England are invaded by endeavouring to invest ye Govr. with a jurisdiction superiour to what ye Queen has thought fitt to vest in him, or is claimed by ye Ecclesiastical Judges in England; and by branding the whole clergy of this Island with marks of infamy, without their being legally charged for any of ye miscarriages imputed to them in ye sd. Bill. Sixthly, and lastly, by having asumed to themselves a power to adjourn when and as often as they think fitt, in manifest contempt of H.M. authority, and against my leave, actually adjourning themselves for a month. For these and many other reasons contained in ye volumes yt. comes herewith, by ye unanimous advice of ye Council, I dissolved ym. by Proclamation (*v. Journals*). By what I have had ye honour to represent to your Lopps. before, on other occasions of this nature, you will easily perceive from whence these flames have arisen, and that these undutyfull and unwarrantable proceedings are chiefly owing to two or three factious and unquiet spirites amongst them, yt. have taken upon them to lead or rather mislead ye rest. The pretence for ye Bill for ye regulateing ye Ministers was chiefly occasioned by one Renolds, who I found here in a benefice, and is indeed not only a scandall to his function but to human kind, by his profligate and vitious life. I have endeavoured to admonish him, but it has proov'd to no purpose, so that I shall represent this matter fully to my Lord Bishop of London, and give him ye best accot. I can of ye clergy of this Island in general, by which I hope these inconveniencys may be remedy'd, *etc.* I shall proceed to mention ye Bills yt. have past ye Council and Assembly, which I have given my consent too, and goes herewith for H.M. allowance. The Bill to provide an additional subsistance to H.M. officers and soldiers from Nov. 1st, 1713—May 1st, 1714, and no longer, I must observe to your Lopps. in no degree answers ye ends for which it was given, if money cannot be raised on ye clause for borrowing on ye creditt of yt. Act; However I was glade to accept of it as it was. As to ye Bill for discharging ye arrears due to H.M. officers and soldiers for their additionall subsistance from Nov. 1st, 1712—Nov. 1st, 1713, and paying of all sumes of money becomeing due by virtue of ye same, the titull explaining ye substance thereof, I shall not inlarge thereon. The Bill for asserting ye number of ports of entry in this Island and obligeing officers to keep deputys at such ports, and to prevent all clandestine trade, requireing ye parishes where ye sd. ports are to find and maintain ye necessary officers, I could not foresee any objection to ye passing yt. law, but I am humbly of oppinion it will be of no great use, since few ships will resort to these remote ports, however they being very desirous of such a law, I thought advisable to pass it. The Bill for the more effectuall reliefe of ye freeholders and inhabitants of Kingston, is what ye country in generall extreamly sett their hearts upon, and by ye pleadings of



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Council for and against ye bill, the equity of ye toune of Kingston to ye land in question, in my humble oppinion plainly appear'd which induced me to pass yt. act. These Acts are all that I have past in this Assembly. The Bill for *securing and confirming ye possessions of H.M. subjects in this Island against Her said Majesty Her heirs and successors*, as also another for *the more effectuall conveying of land, slaves, tenements and hereditaments in Jamaica for ye future*, has past ye Council and Assembly, and I hope obviate all ye objections of ye Attorney Genll. to ye passing yt. law transmitted home for H.M. allowance, but I thought they very little deserved such acts of H.M. favour and grace when they at ye same time wou'd do nothing for ye support of Her Government here, their oune quiet and safety; and I humbly submitt it to your Lopps.' better judgements if it may not be seasonable now to lay ye former quieting possession bill before H.M. for her disallowance; these new bills whenever another Assembly comes to a true sence of their duty, may be past here. There is another particular which I had like to have forgott. After they had unreasonably delay'd addressing ye Queen upon ye happy Peace, and having put them in mind of it, they at last did it in so undutyfull and improper a manner as your Lopps. will see upon their Minutts, that ye Council unanimously declined concurring with them in it, whereupon they ordered their Speaker to transmitt it to Great Britain, as it was; your Lopps. upon ye perusall of it will best judge what reception it meritts. Amongst other wrong notions Assemblys here have conceiv'd, one is, that ye Council have no right to amend money bills, which pretence being groundless I am very well satisfy'd will not be allowed them in Great Britain, but having no particular instructions relateing thereto, I have with industrie avoided bringing that matter in dispute, but since it may on some other occasion be necessary to assert ye right of ye Council (humbly conceiving it to be so) I pray your Lopps. will please to give me your directions in it, yt. I may with ye better authority insist upon what is so reasonable and just. I am under a very sensible concern in being obliged to lay open such a scene of folly and weakness, in ye most favourable construction yt. can be put upon it, but how far it may be reasonable to discountenance ye heads of such factious proceedings, I humbly submitt to your Lopps.' wisdom and direction. In ye mean time being perswaded yt. a little time will open ye eyes of ye deluded, I think it will not be advisable to precipitate a new election, and in interim I hope I shall take such measures as yt. ye quiet of ye Island shall be preserved and that ye Government shall not be exposed to either extream want or any contempt, which I purpose to do by calling in by due course of law all outstanding debts due to ye Govermt., and shall endeavour to put that branch of H.M. Revenue of quitt-rents, under some better regulations yn. it is at present, to which nothing would contribute more then such an officer as a Surveyor Genll. I shall from time to time give your Lopps. a particular accot. of the steps I make. I have for ye present appointed Mr. Edmond Kelly Attorney Generall; and I am to acquaint your

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Lopps. that Mr. Bernard has presented to me a privy seal appointing him a Councillor in ye room of Charles Longe; he has been admitted to his place at ye Board and sworn accordingly. I am likewise to acquaint you of ye death of Henry Lowe by which there is another vacancie. I am sorry I can give no better accot. of ye state of ye Island with respect to trade, that to ye coast of New Spain carried on with good success dureing ye war, has declined for some time, but at present is quite at a stand; there are severall reasons to be assigned, the chief of which, I take to be their being so fully supply'd with all sorts of European comoditys by French ships in ye South Seas, and I am informed there are at present there no less then twenty saile of them in those seas from 30 to 50 guns. Besides till ye Treaty of Commerce with Spain takes effect, and particularly that of ye Assiento, they seem to reserve themselves and decline any trade with us at present. Give me leave now my Lords to pray your Lopps. favourable acceptance of these my weake but sincere endeavours in ye discharge of my duty, *etc.* *P.S.* As soon as ye Assembly adjourn'd themselves for a month, I sent to Mr. Beckford their Speaker and required of him ye Minutts of Assembly from ye opening of ye Sessions to yt. time, writt book fashion and sign'd by him as Speaker, in order to their being transmitted home to yr. Lopps., as by my Instructions I am directed. His answer than was, yt. it should be done, but finding it delayed, I spoke to him twice to ye same effect, and finding him evading and trifling with me, I wrote to him positively demanding and requireing what I had done before both by message and word of mouth, and after all he has absolutely refused what was thus demanded of him. The man of war by which this comes being just upon sailling, I have no other method of giving your Lopps. ye necessary information of the proceedings of ye Assembly, than by sending you their Minutts as I received them from day to day for my information, time not admitting a transcript to be made of them, and attested. I shall make no reflections on this proceeding; but think it my duty to represent this matter to your Lopps. as it is. *Signed*, A. Hamilton. *Endorsed*, Reed. 21st May, Read 16th June, 1714. 14 $\frac{3}{4}$  pp. *Enclosed*,

615. i. List of the Militia in Jamaica, Jan. 1st, 1713. *Totals*, Foot, 2455, Horse, 269. *Same endorsement.* 1 p.

615. ii. Copy of Act for regulating the Ministers of Jamaica, Feb. 17, 1713. Enables the Governor to deprive a minister of his benefice for evil living, "the loose manner of living of several ministers having had too ill an influence on the minds and actions of others" *etc.* *Same endorsement.* 1 p.

615. iii. Copy of an Act of Jamaica, Dec. 15, 1713, for applying £1200 current money to make good £900 sterl. for the soliciting the passing of laws and other public affairs of this Island in Great Britain for three years past. *Same endorsement.* 1 large p. [C.O. 137, 10. Nos. 51, 51 i.-iii.; and (without enclosures) 138, 14, pp. 119-131.]

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March 22.  
Whitehall.

**616.** Council of Trade and Plantations to the Lord High Treasurer. *Repeat* representation as to need of a survey of Newfoundland, Feb. 17th. *Enclose* Mr. Dobree's letter, March 5th, "which in our humble opinion makes it necessary that Capt. Taverner (who we are informed is appointed H.M. Surveyor of Newfoundland) be dispatch'd thither as soon as conveniently may be, for the purposes mentioned in the representation from Dartmouth" (v. Feb. 11th). [*C.O.* 195, 5. *pp.* 360, 361.]

March 23.  
Whitehall.

**617.** Council of Trade and Plantations to Lord Bolingbroke. *Enquire* when he will attend to consider the matters referred to them concerning the resettlement of St. Kitts, "which references seem to require immediate dispatch," *etc.* (*C.O.* 153, 12. *p.* 115.)

March 23.  
Treary.  
Chambers.

**618.** Mr. Lowndes to Mr. Popple. The Lord High Treasurer desires the report of the Council of Trade and Plantations upon the enclosed petitions. *Signed*, Wm. Lowndes. *Endorsed*, Recl. Read Nov. 23, 17 $\frac{1}{4}$ . *Addressed*. 1 *p.* *Enclosed*,

618. i. Petition of Daniel Hall to the Queen. Petitioner was the person who invented the duty on hydes and skins by wch. 1 $\frac{1}{2}$  millions have been raised, *etc.* He now offers to discover where a settlement may be made for the South Sea Company that will bring in very great advantage yearly, and asks to be encouraged by the allowance of 1 p.c. of the profits. 1 *p.*

618. ii. Petition of Tho. Riley, Daniell Hall, William Armstrong and John Evans in behalf of themselves and other officers and soldiers, to the Queen. The Board of Trade approved of petitioners' previous petition, for settling a new Colony in North America, and agreed to every article mony excepted. Petitioners have thereupon found out ways and means for furnishing themselves with monys for this undertaking without being burthen-some to your Majesty, if your Majesty will grant them Letters Patents for the land lying wast and uninhabited, bounded at the North East on Nova Scotia at the River St. Croix, S.W. by the bounds of New England within the River Sagadahock, N.W. by the great River Canada, and S.E. by the Atlantick or Western Ocean in the latitude of 44 to 46, with an exemption from all duties for 21 yeares, to enable them to clean the ground, *etc.* 1 *p.*

618. iii. Will. Armstrong and John Evans to the Lord High Treasurer. March 17, 17 $\frac{1}{4}$ . *Pray* for His Lordship's support of preceding petition. *Signed*, Will. Armstrong, John Evans. *Addressed*. 1 *p.* [*C.O.* 5, 866. *Nos.* 14, 14 i.-iii.; and 5, 913. *pp.* 472-475.]

[March 23.]

**619.** Elizabeth Salenave to the Council of Trade and Plantations. Prays to be heard upon her petition, *etc.* *Signed*, Eliz. Salenave. *Endorsed*, Recl. Read March 23, 17 $\frac{1}{4}$ . 1 *p.* [*C.O.* 152, 10. *No.* 10.]



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 [March 24.] **620.** Copy of Capt. Taverner's Commission to be Surveyor  
 Kensington. General of Newfoundland. July 21, 1713. *Countersigned*,  
 Bolingbroke. *Endorsed*, Recd. Read March 24, 17 $\frac{1}{4}$ . 1 $\frac{1}{4}$  pp.  
 [C.O. 194, 5. No. 37; and 195, 5. pp. 362, 363.]
- [March 24.] **621.** Copy of Capt. Taverner's Instructions *as above*. 2 pp.  
 Kensington. [C.O. 194, 5. No. 38; and 195, 5. pp. 365-367.]
- [March 24.] **622.** Copy of Capt. Taverner's Additional Instructions *as*  
 Kensington. *above*. July 22, 1713. 1 $\frac{1}{2}$  pp. [C.O. 194, 5. No. 39; and 195,  
 5. pp. 366, 367.]
- [March 24.] **623.** List of necessarys required for the survey of New-  
 foundland (*by Capt. Taverner*). *Endorsed*, Recd. Read March 24,  
 17 $\frac{1}{4}$ . 2 pp. [C.O. 194, 5. No. 40.]
- March 25. **624.** Petty Expences of the Board of Trade, Christmas 1713—  
 March 25, 1714.  $\frac{3}{4}$  p. [C.O. 388, 76. No. 168.]
- March 30. **625.** H.M. Warrant for pardoning John Fryday. (*v.* March  
 St. James's. 11, 1714 and July 11, 1713). *Countersigned*, Bolingbroke.  
*Endorsed*, Recd. April 14, 1714. *Copy*. 3 pp. [C.O. 137, 10.  
 No. 48; and 138, 14. pp. 100, 101; and 324, 33. pp. 36-38.]
- March 31. **626.** Capt. Taverner to the Council of Trade and Plantations.  
*Urges* necessity of his proceeding to Newfoundland at once, *etc.*  
*Enquires* "whether the French have liberty to cutt down trees at  
 Petinore. Because if they have not, their reservations may avail  
 them but little." *Endorsed*, Recd. Read March 31st, 1714.  
 1 p. *Enclosed*,  
 626. i. Petition of Capt. Wm. Taverner to the Lord High  
 Treasurer. A native of Newfoundland and master of  
 a fishing ship on that coast *etc.*, petitioner was brought  
 to London by Mr. Arthur Moore, to give informa-  
 tion about that fishery. He was appointed Surveyor  
 General of Newfoundland, *etc.* *Prays* his Lordship to  
 determine how he may proceed there, and to put his  
 salary of 20s. per diem on some certain establishment.  
 1 p.  
 626. ii., iii. Duplicates of Nos. 620-623. [C.O. 194, 5. Nos.  
 41, 41 i.-iii.]
- April 2. **627.** Council of Trade and Plantations to the Lord High  
 Whitehall. Treasurer. *Enclose* preceding memorial. Unless he be despatch'd  
 in a very few days, he will lose the opportunity of going this year  
 to Newfoundland, the last ships being now upon their departure.  
*Autograph signatures*. 1 p. *Enclosed*,  
 627. i.-vi. Duplicates of Nos. 620-623. [C.O. 194, 23. Nos.  
 12, 12 i.-vi. and (*duplicate of Representation*) 12a; and  
 (*without enclosures*) 195, 5. pp. 368, 369.]

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April 2.  
London.

**628.** Four certificates as to Mrs. Salenave's possession of a plantation in St. Kitts, *etc.* *Signed*, (i.) Cha. Mathew, Eliz. Moore, Ste. Duport. (ii.) Eliz. Salenave. (iii.) N. Blakiston. (March 23, 1713). (iv.) Fran. Duport. (April 5th, 1713). 3 pp. [*C.O.* 152, 10. *Nos.* 15, 15 i.-iii.]

[April 2.]

**629.** Mr. Ryley to the Council of Trade and Plantations. The officers petitioners for settling a Colony in North America to be intituled Nova Anna, having found out a method to do it at a moderate charge to H.M., are ordered by the Lord High Treasurer to attend your honours, *etc.* They pray H.M. to grant them in the Letters Patents for the said settlement the liberty of coining 1500 tun of copper half-pence and farthings for England and the Plantations, *etc.* *Endorsed*, Recd. Read 2nd April, 1714. 1 p. [*C.O.* 5, 866. *No.* 15.]

April 5.  
Treary.  
Chambers.

**630.** Mr. Lowndes to Mr. Popple. My Lord Treasurer desires the Council of Trade and Plantations to examine into the truth of *enclosed*, and to report their opinion what they conceive fit for H.M. to do therein, and also whether there are not several others in like circumstances with these peticoners with respect to their pretencons to lands in St. Christophers. *Signed*, Wm. Lowndes. *Endorsed*, Recd. 6th, Read 30th April, 1714. 1 p. *Enclosed*,

630. i. Petition of Stephen Duport to the Queen. Petitioner's plantation in the English part of St. Kitts was damaged to the amount of £11,500 by the English forces under General Codrington 1690, when petitioner was a prisoner in France, *etc.* *Prays* to be compensated by some lands in the French part. 1 p.

630. ii. Order of Queen in Council upon the case of Stephen Duport, Jan. 27, 170<sup>8</sup><sub>9</sub>. 1 p.

630. iii. Petition of Stephen Duport and other Protestant refugees of the Leeward Islands to the Queen. *Pray* for the renewal of H.M. reference of their case, July 23, 1713, to the Council of Trade and Plantations, the former papers having been mislaid. 1 p.

630. iv. Petition of Alletta de la Coussaye to the Queen. *Prays* that her father's plantation in the French part of St. Kitts may be restored to her; he (Capt. Vandelbourgh decd.), having fled from it to the English quarter on account of the persecution of Protestants. Petitioner is now in possession. 1 p.

630. v. Certificate of Stephen Duport that Capt. Vandelbourgh was long possessed of the plantation claimed in preceding. *Signed*, Ste. Duport. April 6th, 1714.  $\frac{1}{2}$  p.

630. vi. Description of Capt. Vandelbourgh's plantation. *Signed*, Ste. Duport. April 8, 1714.  $\frac{1}{2}$  p.

630. vii. Petition of Paul Minvielle de Bonnemere to the Queen. Daniel de Bonnemere, father and son, who served in H.M. forces, fled from their plantation in the French part of St. Kitts, upon account of the persecution of French Protestants when the French took it.

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Petitioner heir at law and creditor, as having supplied said refugees with money, prays to be restored to that estate. 1 p.

630. viii. Certificate of Stephen Duport and Elizabeth Salenave in support of preceding. *Signed*, Eliz. Salenave, Ste. Duport. April 6, 1714.  $\frac{1}{2}$  p.

630. ix. Description of Daniel de Bonnemere's plantation. *Signed*, Ste. Duport. April 8, 1714.  $\frac{1}{2}$  p.

630. x. Petition of Mary and Margarett de Nampon. Pray to be restored to their plantation in the French part of St. Kitts, from which they fled upon account of the persecution. 1 p.

630. xi. Certificate of Elizabeth Salenave and Stephen Duport in support of preceding. *Signed*, Eliz. Salenave. Ste. Duport. April 6, 1714.  $\frac{1}{2}$  p.

630. xii. Description of Dr. de Nampon's plantation. *Signed*, Ste. Duport. April 8, 1714.  $\frac{1}{2}$  p.

630. xiii. Petition of Catherine Fraise to the Queen. *Prays* to be restored to the plantation in the French part of St. Kitts, from which her father, Daniel de Lompré (=Longpré du Chemin *v.* xv. *infra*) (decd.) fled upon account of the persecution. Petitioner and her husband are now in possession. 1 p.

630. xiv. Certificate by Elizabeth Salenave and Ste. Duport *in support of preceding*. *Signed*, Eliz. Salenave, Ste. Duport. April 6, 1714.  $\frac{1}{2}$  p.

630. xv. Description of the lands of Daniel de Longpré du Chemin. *Signed*, Ste. Duport. April 8, 1714.  $\frac{1}{2}$  p.

630. xvi. Petition of Martha Assailly to the Queen. *Prays* on behalf of herself, mother and sisters to be restored to the plantation of her father, Peter Assailly, in the French part of St. Kitts, from which he fled to Boston on account of the persecution of Protestants, *etc.* General Codrington granted it to Col. Walter Hamilton. 1 p. [*C.O.* 152, 10. Nos. 19, 19 i.-xv.; and (*without enclosures*) 153, 12. pp. 117, 118.]

April 6.  
London.

**631.** Certificate that Mrs. Renoult was in possession of the plantation in St. Kitts claimed by her (*v.* June 25, 1712). *Signed*, Eliz. Salenave, Pen. Russell.  $\frac{1}{2}$  p. [*C.O.* 152, 10. No. 12.]

April 6.  
Whitehall.

**632.** Circular letter from the Council of Trade and Plantations to the Governors of Plantations. H.M. having by Her Royal Proclamation of Feb. 28th last (inclosed) been pleased to command that the Articles of Peace and Commerce concluded at Utrecht the  $\frac{2}{13}$  day of July and the  $\frac{29}{9}$  day of <sup>Nov.</sup><sub>Dec.</sub> 1713, between Great Britain and Spain be published and observed throughout all her Dominions; we send you herewith copies of the said Articles, that the same may be made publick in your Government and observed accordingly. [*C.O.* 324, 10. p. 40.]



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**633.** (a) Estimate of the charge of settling a Colony, Nova Anna (v. April 2), of 5 companys independant allowing four yeares for the settlement. *Total*, 105,595*l.* 6*s.* 8*d.*

**634.** (b) Estimate of the profit from coining 1500 tuns of copper (copper at 93*l.* 6*s.* 8*d.* a ton, to produce 205*l.* 6*s.* 8*d.* in coin at 11*lb.* for 20*d.*) Casting *etc.* and coining, at 35*l.* per ton. Deduct for exchange 11*l.* per ton. *Total profit*, 97,000*l.* *Endorsed*, Recd. Read 8th April, 1714. 2 *pp.* [*C.O.* 5, 866. No. 16.]

April 8.  
Whitehall.

**635.** Mr. Popple to Sir Isaac Newton. *Encloses preceding* for his opinion. [*C.O.* 5, 913. *p.* 477.]

April 9.  
Whitehall.

**636.** Lord Bolingbroke to the Council of Trade and Plantations. *Encloses following* for their report. *Signed*, Bolingbroke. *Endorsed*, Recd. 10th, Read 12th April, 1714. 1 *p.* *Enclosed*,

**636. i.** Memorial of Wm. Keith. Robert Quarry late Surveyor General of the Customs on the Continent of America had H.M. letter constituting him a Member of Council in each of the Provinces under his inspection, vizt. Pennsylvania, Maryland, Virginia, North and South Carolina, the Bahama Islands and Jamaica, because it was convenient that he should be present to assist at the making of such laws as were proposed for the advantage of trade, and to object against such as might be prejudicial to the Revenue, or any other branch of the publick interest. Petitioner, his successor, prays to be appointed to sit and give his opinion in the several Councils of the Provinces abovenamed in all matters relating to the publick revenue and trade with respect to the laws, constitution and interest of Great Britain, and also to enter his protest as often as occasion shall require. And since he does not insist on the privilege of voting in those Assemblies, it is humbly conceived that this may be extended to the Propriety Governments, as well as to those immediately belonging to the Crown. 1½ *pp.* [*C.O.* 323, 7. Nos. 29, 29 i.; and (without enclosure) 324, 10. *p.* 41.]

April 10.  
Whitehall.

**637.** Mr. Secretary Bromley to the Council of Trade and Plantations. It is H.M. pleasure that you prepare copys of the several papers and representations relating to the garrisons of Jamaica and the Leeward Islands, which have been sent over from the respective Governors, and the opinion of the Assembly with respect to the forces there, and that such copies be forthwith laid before the House of Commons. *Signed*, W. Bromley. *Endorsed*, Recd. 10th, Read 12th April, 1714. 1 *p.* [*C.O.* 137, 10. *p.* 46; and 138, 14. *p.* 98.]

April 13.  
Whitehall.

**638.** Lord Bolingbroke to the Council of Trade and Plantations. It is H.M. pleasure that your Lops. should consider the

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*enclosed* Memorial, and Petition on behalf of inhabitants of Mountserratt, as likewise the several matters which are referred to Commissarys by the 10th, 11th and 15th Articles of the late Treaty of Peace, and upon the whole make your representation to be laid before H.M., *etc.* *Signed*, Bolingbroke. *Endorsed*, Recd. 13th, Read 14th April, 1714. 1 p. *Enclosed*,

638. i. Petition of the Hudson's Bay Company to the Queen. *Return thanks* for the great care H.M. has taken for them by the Treaty of Utrick, *etc.* And whereas by the XIth Article, satisfaction is to be made to the Compa. for all damages sustained from ye French in times of peace, for which Commissaries are to be nominated on both sides to adjust the same, the Company are ready to make out their demand of damages, whenever H.M. shall thinke fitt to name Commissaries *etc.* *Signed*, Wm. Potter, Secr. 1. p.

638. ii. Petition of inhabitants of Montserrat to the Queen. On July 8th, 1712, the French King's subjects under Monsieur Cossart, invaded Montseratt with 3,500 men and being much superior to the strength of the inhabitants who defended themselves to the utmost of their power soon conquer'd burnt plunder'd and destroyed most part of the Island carried off 1,200 slaves with severall sorts of merchandize which with burning and other devastations amounts unto upwards of 180,000*l.* And whereas your Majesty out of your great goodness and princely care taken of all your subjects in the late Treaty of Peace has capitulated (Article XI.) that the damages sustained by your loyall and poor subjects of the said Island by the late invasion shall be enquired into by the comissarys to be named by your Majesty and the said French King, we your Majesty's peticoners humbly beg leave for ourselves and in behalf of the said inhabitants that your Majesty would direct such commissioners to examine into their losses, and that they may be releiv'd pursuant to the Article in the said Treaty. *Signed*, Joseph Martyn, Ed. Sanderson, Wm. Tryon, Joseph Alford, Rowland Tryon, Dan. Alford, John Travers, Sam. Travers. *Same endorsement.* 1 p. [*C.O.* 134, 2. *Nos.* 36, 36 i. ; and 135, 3. *pp.* 124-126 ; (*without encl. ii.*) ; and (*encl. ii. and memorandum of covering letter*) 152, 10. *Nos.* 17, 17 i.]

April 13.  
Pall Mall.

**639.** Major Douglas to Mr. Popple. *Encloses* some Acts of St. Christophers. "There are also something very material in the Minutes of ye Council, of which I would have you inform Col. Jory to attend the Lords of Trade in due season." *Signed*, Walter Douglas. *Endorsed*, Recd. 13th April, Read July 15, 1714. *Addressed. Holograph.*  $\frac{1}{2}$  p. [*C.O.* 152, 10. *No.* 23 ; and 153, 12. p. 131.]

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April 13.  
Mint Office.

**640.** Sir Isaac Newton to Mr. Popple. *Encloses following.*  
My Lord High Treasurer hath the coynage of copper under  
consideration. *Signed,* Is. Newton. *Endorsed,* Recd. Read  
14th April, 1714. 1 p. *Enclosed,*

640. i. Observations upon the estimate of the neat profit of  
coyning 1500 tons of copper into half-pence (*v. Nos.*  
629, 633-5). (1) In the last coynage of copper money  
an hundred tonns per an. in six years made a great  
complaint in Parliament whereby the coynage was  
stopt all the seventh year by reason of too great a  
quantity of copper money, and after the coynage of  
another 100 tonns the nation was fully stockt during the  
next five or six years. Therefore six or seven hundred  
tonns is abundantly sufficient to stock the nation of  
England and a coynage of 1500 tonns in five years  
time is not practicable by reason of the clamours it  
would make amongst the people. At present there  
wants not above 80 or 100 tonns in all. (2) If a pound  
weight of copper be cut into 20*d.*, a tonn in coyn will  
amount only to 186*l.* 13*s.* 4*d.* It must be cut into 22*d.*  
that a tonn may make 205*l.* 6*s.* 8*d.* But its better to  
coyn the money nearer to the intrinsic value. (3)  
Casting, drawing, cutting, flatting, scouring, nealing,  
blanching, drying and coyning cannot be done for  
35*l.* per tonn. And 11*l.* per tonn for changing the copper  
money is something too much. In the last coynage of  
the copper money, 5*d.* per lwt. was allowed by the  
Patentees for casting, drawing, flatting, scouring,  
nealing, drying and coyning, including the work of the  
graver and smith. There was also 40*s.* per tonn allowed  
to a Comptroller. And if 7*l.* 6*s.* 8*d.* be allowed for putting  
off, the whole charge including the price of the copper  
at 10*d.* per lwt. leaves a profit of 6*d.* per lwt. And  
this profit in coyning 1500 tonns amounts unto 85,000*l.*,  
out of wch. something may be abated for housrent, clerks,  
coyning tools and incidents. (4) He that assays, sizes  
and coyns the copper money should not be impowered  
to make any profit by coyning it too light or too coarse,  
and therefore should have nothing to do with buying  
or providing the copper or distributing it by tale to  
the people, but should only receive it by weight  
and assay and deliver it by weight and assay after  
coynage, and have it in his power to refuse bad copper.

 $\frac{3}{4}$  p.

640. ii. Duplicate of No 634. [*C.O.* 5, 866. *Nos.* 17, 17 i.,  
ii.; and 5, 913. *pp.* 477-480.]

[April 13.]

**641.** Some amendments desired by Newfoundland traders  
to be made to the Act for encouraging the Trade to Newfoundland.  
*Endorsed,* Recd. Read 13th April, 1714. 1½ *pp.* [*C.O.* 194, 5.  
*No.* 42.]



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April 13. **642.** List of papers relating to the Regiment of Jamaica laid before the House of Commons. (*v.* April 10th.) [*C.O.* 138, 14. *pp.* 99, 100.]

April 14.  
Whitehall.

**643.** Lord Bolingbroke to Mr. Attorney General. *Encloses following.* It is H.M. pleasure that you do consider what may be properly done for quieting this Corporation in the possession of the farm, and for relieving them as to the demand of arrears of quit rent, and that you do report your opinion thereupon to H.M. *Signed, Bolingbroke. Enclosed,*

**643. i.** Extract of an Address from the Rector, Churchwarden and Vestrymen of Trinity Church in the City of New Yorke in America to the Queen. The Rt. Hon. the Earl of Clarendon your Majtie's. late Governor of this Province (who, during his whole administration omitted no opportunity of giving all due encouragemt. to the churches under his care) did grant a lease of your Majtie's. farm to us for seven years under the rent of 60 bushells of wheat yearly payable unto your Majty. (the like lease having been before granted by Governor Fletcher *etc.*). But as these rents were esteemed a perquisite of the several Governors for the time being, Col. Fletcher who was a great benefactor and promoter of the first settling of this Church, did remit the rent during his time, for that pious use, as also did the Earl of Clarendon, so much as accrued under the lease granted in his time, and that noble Lord imitating the zeal of his Royal Mistress for promoting the interest of this infant Church, and the settling a lasting foundation for its support, by vertue of the authority given him by your Majty., did in the 4th year of your Majtie's. glorious reign, by your Majtie's. letters patents under the seal of this Province, grant the same form to the Rector and inhabitants of the city of New York in communion of the Church of England as by law established, and their successors for ever under the yearly quit-rent of three shillings. We therefore with awfull reverence presume to inform your Majty. that the Corporation of this Church are now prosecuted in the Court of Chancery in this Province in your Majty's name, for the several rents reserved on the leases before granted and by the several Governors before remitted, and your Majty's most gracious Letters Patent for the said farm are rendred disputable. *Pray* H.M. directions for stopping the said prosecution, and confirming the church in the possession of the farm. [*C.O.* 324, 33. *pp.* 38-41.]

April 14.  
St. James's.

**644.** H.M. Warrant to the Governor of New York. You are to stop the prosecution now carrying on in the Court of Chancery against the corporation of Trinity Church (*v. preceding*) and not to suffer any further proceedings to be had in that suit, untill We shall signify Our further pleasure, *etc.* *Countersigned, Bolingbroke.* [*C.O.* 324, 33. *pp.* 41-43.]

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 April 14. **645.** Jeronimy Clifford to the Council of Trade and Planta-  
 Queen's Bench tions. Prays for decision upon his request of Dec. 29, 1713, *etc.*  
 Rules. *Signed*, Jer. Clifford. *Endorsed*, Recd. Read. 14th April, 1714.  
*Addressed*. 1 p. [C.O. 388, 76. No. 167.]
- April 14. **646.** Mr. Popple to Jeronimy Clifford. *Reply to preceding.*  
 Whitehall. The Council of Trade and Plantations command me to acquaint  
 you, that they have already done all they can in that affaire.  
 [C.O. 389, 37. pp. 74, 75.]
- April 16. **647.** Council of Trade and Plantations to Lord Bolingbroke.  
 Whitehall. *Enclose* copies of Representation from the Council of Virginia  
 (v. Sept. 14, 1713), and another from the President, Council and  
 Assembly of Maryland, relating to the decay of the tobacco  
 trade, for H.M. pleasure thereupon. [C.O. 5, 1364. pp. 29, 30.]
- April 20. **648.** Mr. Popple to Mr. Blathwayt. The Council of Trade  
 Whitehall. and Plantations desire an account of all the revenues, rents and  
 quit-rents, payable to the Crown in Jamaica, and of the arrears  
 thereof. As also an account of all grants of land in that Island,  
 the quantity of acres in each grant, to whom granted, and under  
 what covenants since 1660. [C.O. 138, 14. p. 102.]
- [April 20.] **649.** Extracts from the Minutes of Council and Assembly  
 of St. Kitts, Montserrat, Antigua and Nevis, in praise of Governor  
 Douglas' administration, *etc.* *Endorsed*, Recd. (from General  
 Douglas) 20th April, Read 15th July, 1714. 16 pp. [C.O. 152,  
 10. No. 24.]
- April 21. **650.** Order of Queen in Council. Confirming the Act of  
 St. James's. Jamaica, *for vesting the estate of Thomas Finch in trustees, etc.*  
*Signed*, Ja. Vernon. *Endorsed*, Recd. Read June 24th, 1715.  
 1½ pp. [C.O. 137, 10. No. 77; and 138, 14. pp. 336, 337.]
- April 22. **651.** Lt. Governor Pulleine to the Council of Trade and  
 Bermuda. Plantations. An opportunity now presenting of a direct passage  
 home, *etc.*, I lay hold of it to give an account of what pass'd in  
 our Assembly, which I conven'd in January last. *Refers to his*  
*Speech and their reply, enclosed*, that your Ldships. may the  
 more easily judge of ye temper of the people, and how well they  
 kept their word with me. Your Ldships. cannot but perceive  
 by the enclos'd, their debts were ye principal matter that wanted  
 a remedy : and all ye progress they have made towards satisfying  
 them, is the reimbursing a sum of money of the Queen's, wch.  
 they had unlawfully made use of ; as your Ldships. may see  
 by ye complaint, I made in the last, I did myself ye honour to  
 write to you : and, I am persuaded, even this would not have been  
 done, if some of our topping men had not us'd all their interest to  
 effect it : being in fear that otherwise, they themselves were liable  
 to repay it : as in my opinion they certainly were. I enter no  
 further into this matter here, having explain'd it so fully in my  
 last, and beg'd yr. Ldships.' directions upon it. As soon as they had

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finish'd this, and other private Acts, of little importance, which I now also send home, they begg'd my concurrence to an adjournmt. to ye first Monday in April, weh. I comply'd with, in hopes to keep them in temper, to go through with business ye next meeting. Upon their second meeting they voted, in ye very first half hour to raise no more money, to my great surprize and astonishmt. and what is yet stranger, after such vote haveing past ye house, they order'd a committee to inspect ye fortifications, and to make a report, what repairs were necessary to be made. Upon such methodical proceedings I sent for ye Speaker and ye House to attend me, at the Council board ; where I laid before them, with all the address I was master of ye ill consequence of their rash precipitate resolution of raising no money, and ye ill effect it would have upon ye publick, for ye time to come : but all was to little purpose ; for upon their return to ye House, they fell into their former heats, and the very menconing of raising 6 or 700*l*. which wou'd have sett them clear, even put them into a sort of a mutiny and, after wrangling and scolding one with another, till they were weary, they beg'd me to prorogue them to ye first Tuesday in August : which I very readily comply'd with considering the temper they were in. What has happen'd in this affair, is an undeniable demonstration of the great poverty of this Island ; for when one considers, that 6 or 700*l*. is look'd upon as irretrievable, it is apt to fill one with very shocking ideas of our approaching misery. For this little Island grows not ye eighth part of the corn we eat : and all ye strong liquors they use here, which is a great quantity, as well as ye cloathing, is bought with ready money : and how they will for the future come by that ready money, is even past my comprehension. For trade, all over ye West Indies, is, at present, at a stand ; and when it will recover it's usual currency, is more than I can pretend to foresee. My Lords, I think it wou'd be of no great importance to ye Crown of England, if there were no such place as Bermuda in *Natura rerum* : But seeing Providence has thought fit, to place such a spott of ground, in so important a scituation, and to provide it with such excellent harbours ; the Crown, in my opinion, can never take too much care of it : and I dare affirm, without any peradventure, that, if an active enemy had it in possession, they wou'd wholly ruin our American commerce. This Island, at present, is very populous, considering its extent, and might be maintain'd by its present inhabitants, and ye Company ye Queen is pleas'd to leave here, against any ordinary attempt : But, I foresee, that as soon as ye Governmt. of the Bahamas is settled, in any reasonable condition to protect them against the insults of the Spaniards, that at least one third of our inhabitants wou'd leave us. And, now I me upon ye head of the Bahamas, I think it my duty to acquaint your Ldships, of the present condition of those Islands. There are about 200 familys scatter'd up and down amongst them ; but their principal residence is at Providence, Harbour Island, and Ilathera : who live without any face or form of Governmt. every man doing onely what's right in his own eyes. They have serv'd, of late, as a retreat, for three setts of



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pyrates, who committed their depredations in open boats, with about five and twenty men in a boat. They have taken from the Spaniards within these eight months, at least, to the value of three score thousand pounds : And hearing that ye Spaniards at ye Havana were makeing preparations, to attack both them, and the receivers, they shar'd their booty, and dispers'd. The names of two of their Captains were Cockram, and Hornygood, both of which, at present, are refug'd amongst those people. Cockram has marry'd ye daughter of one Thomson, one of the richest inhabitants of Harbour Island, and sails in a sloop of his, between those Islands and Curaçao, loaden with brasiletto ; which is doing a prejudice still to ye Crown, in defrauding ye Queen of her dutys, and is the spoiling of that trade, by letting ye Dutch into it. I suppose, as soon as they hear that Governmt. is settled, they will scamper away. I'm inform'd, this has done our trading people, a great deal of prejudice amongst the Spaniards, who treat us with ye name of pyrates, and refuse to have any commerce with us : Tho', in reality, they are onely serv'd in their kind, haveing committed several pyracies upon us, under pretence of sham commissions, tho' I heartily wish the thing had a present remedy, on both sides, it being a great discouragemt. to trade in general. I presume to tell your Ldships., that till the Bahamas are settled in some form, they will still be a nest for pyrates : and we are now inform'd they are gathering togeather again, haveing riotously and quickly spent, what they as wickedly got. The people of this Island have often endeavour'd to have ye Bahamas annex'd to this Government : and indeed that settlement was first made from hence, and we are ye onely people in a manner, that ever did or does trade with them. I am sensible it is a Proprietary Government, but as they have abandon'd 'em, as a derelict for many years, and never got a shilling by them, I cannot be persuaded that they wou'd be against H.M. reassuming them into her hands. So, if yor. Ldships. think it for ye interest of the Crown, to joyn them to this Government, I will endeavour to make them usefull, in the best manner they are capable of, to my native country, and scowre them clear of that sink or nest of infamous rascalls, who do an infinite mischeife to trade, by makeing us scandalous to our neighbours, etc. *Signed, H. Pulleine. Endorsed, Reed. 7th June, 1714. Read 24th Feb. 1714.* 4 pp. [C.O. 37, 10. No. 4 : and (abstract) 37. 24. p. 2.]

April 23.  
Boston.

**652.** Governor Nicholson to Lord Bolingbroke. I had not the honour of recieving your Lordp's. letter of Oct. 19th untill two days agoe : it is with the greatest satisfaction imaginable to me that H.M. hath thought fitt, that your Lordp. should take upon you the care of the Southern Province, with the West Indies, etc. Having this opportunity by Sir Charles Hobby I can't omitt paying the humblest of my duty, etc. Sir Charles Hobby can give your Lordp. a just and full account of affairs, both in relation to this, and the neighbouring Governments, but more particularly what concerns H.M. garrison of Annapolis Royal, he was at the taking thereof, and had the command of a

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regiment, at that time and afterwards twice Commander in Chief there, in the absence of Samuel Vetch who, I think hath acted very arbitrary and illegally, and hath defrauded Her Majesty very considerably and instead of proving his accounts to me hath runn away. Sir Charles can prove a great many things concerning his male administration: I humbly begg leave to recommend Sir Charles Hobby to your Lordp's. protection. I would not presume to do it but that I have always found him a gentleman very well affected to H.M. intrest, and service, a true, and zealous son of the Church of England, as by law established the state of which he can give your Lordp. a more perticular account in relation to the hardships the members thereof are under in these parts, and what little encouragment they meet with, *etc.* *Signed*, Fra. Nicholson. *Endorsed*, Rd. 28th June. 2 pp. [*C.O.* 5, 752. No. 3.]

April 23.  
Whitehall.

**653.** Lord Bolingbroke to the Council of Trade and Plantations. Refers following for their report. *Signed*, Bolingbroke. *Endorsed*, Recd. 24th April, Read 5th May, 1714. 1 p. *Enclosed*,

653. i. Petition of Sir Bibye Lake, Bart., grandson and heir of Capt. Tho. Lake, decd., and Edward Hutchinson, heir of Major Tho. Clarke, decd., to the Queen. Between 1639 and 1654 Lake and Clarke purchased of the Indians and English several parcels of land lying upon and near Kenebeck River, *etc.*, and made a settlement, which was destroyed by Indians 1675 and 1684, since which owing to the war they have not been able to recover. *Pray* H.M. to confirm their title to said lands, in order to re-settle the same. 1 p. [*C.O.* 5, 866. Nos. 19, 19 i. : and 5, 913. pp. 485-488.]

April 24.  
Barbados.

**654.** William Sharpe, President of the Council of Barbados, to the Council of Trade and Plantations. I do myself the honour of addressing your Lordships from this place where I arrived the 7th instant, and that day delivered H.M. Order to Mr. Lowther then in Council, recalling him from ye Governmt., and commanding him upon receipt thereof to deliver the seale, publick papers and ensigns of Government to me. He publish't it, declared it should be obeyed, broke up the Council without any adjournment, and sent to me to come and receive the seal, *etc.*, which when according to his appointment I did that evening, he refused, objecting that the order being only under the signet and sign manual, could not controul, or (as his words were) could not destroy his commission, which was under the Broad Seal. I told him, my Lords, that the Order did not destroy, or repeal his Commission, but only suspended him from exercising the powers thereby granted to him, and enabled me to act under it. But he persisting, my Lords, in his refusal, I thought it adviseable to consult the Counsellors thereupon, that it might appear, I was not remiss in doing all that legally I could, to procure the obedience to H.M. commands. Your Lordships will be pleased to observe from the inclosed papers their different opinions, and that a

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majority of them, without whome the proper oaths could not be administred to me, adviseing that I could not exercise the Government till Mr. Lowther's departure, I was obliged to submit, or enter upon harsher measures, the last I thought not at all proper, and therefore sat down contented with the first : He has, my Lords, fixt this day for leaving the Island, after which I shall in the administration pursue the calmest, and most healing measures, in which I hope I shall have such a concurrence, as may procure a thorough reconciliation here, at least abate the heats and animosities which have been fomented, *etc.* *Signed*, Wm. Sharpe. *Endorsed*, Recd. 14th June, Read 26th Aug. 1714. 2 pp. *Enclosed*,

654. i. Copies of correspondence between Mr. Sharpe and the rest of the Council of Barbados upon Governor Lowther's refusal to surrender the Government to him, April 8-17th, 1714, *referred to in preceding.* *Same endorsement.* 6 pp.

654. ii. Copy of Address from inhabitants of Barbados to the Queen. Return thanks for the appointment of William Sharpe. 214 signatures. *Same endorsement.* 2 pp.

654. iii. Copy of Address from the Clergy of Barbados to the Queen. *To same effect as preceding.* *Signed*, Saml. Beresford, Gilbert Ramsay and 6 others. *Same endorsement.* 1 p. [*C.O.* 28, 14. Nos. 20, 20 i.-iii.; and (*without enclosures*) 29, 13. pp. 106-109.]

April 26.  
Boston,  
New England.

**655.** Governor Dudley to Lord Bolingbroke. *Acknowledges* letter of Oct. 19, which I received not till April 13th, *etc.* I take perfect satisfaction in my dependance upon your Lordship's office, *etc.*, and pray that I may have your Lordship's patronage and favour. *P.S.* This is accompanied with one great packet from Quebec directed to Mr. Pontchartrain which in the cover to me Mr. Nelson says he had leave from my Lord Dartmouth to send this way which therefore I have covered to your Lordship. *Signed*, J. Dudley. *Endorsed*, Rd. 29. 1 p. [*C.O.* 5, 752. No. 4.]

April 27.

**656.** Robert West to Mr. Popple. I am inform'd that Sir Byby Lake hath petitioned H.M. for a grant of an Island near Pemaquid, call'd Rowsick als. Arrowsick Island. This was in the reign of K. James II. granted by the Governor of New York to John West, from whose widow I have a conveyance of it, *etc.* *Prays* for notice of hearing Lake's petition. *Signed*, Rob. West. *Endorsed*, Recd. 27th April, Read 5th May, 1714. *Addressed.* 1 p. [*C.O.* 5, 866. No. 20; and 5, 913. pp. 488, 489.]

April 27.  
Barbados.

**657.** Wm. Sharpe, President of the Council of Barbados, to the Council of Trade and Plantations. On the 24th instant Mr. Lowther delivered me, an inventory of ordnance stores, the commission for trying of pyrates, ye Admiralty commission, H.M. Letters Patent under the Great Seal for the government of this, and other the dependent Islands, his general Instructions, and



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H.M. Great Seal for this Government appointed, and immediately embarked and set sail in the ship *Barbados Merchant*, for Great Britain. I did, my Lords, notwithstanding his reception of me, shew him all the respect I could, in regard to the character H.M. had been pleased to honour him with. Besides the above papers, my Lords, he left me none ; not one order, relating to private persons, or causes, or to the Publick. I have summoned the Council and Assembly to meet the first of May, when I shall earnestly recommend to them the falling upon the most vigorous measures for promoting trade, and for advancing the publick credit, which is to a scandalous degree low, and I will endeavour all that in me lyes to put an end to the dissensions and animosities of this place. *Signed*, Wm. Sharpe. *Endorsed*, Recd. 1st July, Read 26th Aug., 1714. 2 pp. *Enclosed*,

657. i. Copy of H.M. Additional Instruction to Governors relating to devolution of Government (*v.* C.S.P. 1707. No. 874 ii.) *Same endorsement*. 1½ pp. [*C.O.* 28, 14. Nos. 21, 21 i. ; and (*without enclosure*) 29, 13. pp. 110, 111.]

[April 30.] **658.** Stephen Duport and others to the Council of Trade and Plantations. Proposals concerning the resettlement of the French part of St. Kitts. *Signed*, Ste. Duport, Jos. Crisp and 7 others. *Endorsed*, Recd. Read 30th April, 1714. 1¼ pp. [*C.O.* 152, 10. No. 18.]

May 3.  
Whitehall.

**659.** Council of Trade and Plantations to the Lord High Treasurer. *Reply to* March 23rd, *q.v.* We desired Mr. Hall to explain what he offers, and have received from him, a proposal for raising by an imposition on vintners, victuallers, innkeepers, coffee-houses, butchers and poulterers, within the weekly bills of mortality, 156,000*l.* per annum ; and that as soon as this is approved, he will have other things to offer, which he says will raise three times as much as this. Upon which we humbly offer that this matter is proper for the consideration of the Parliament, and the South Sea Company. We have likewise considered the petition of Thomas Ryley, *etc.* *Quote* their proposal and Sir Isaac Newton's opinion (*No.* 640 i.). Besides which we further represent, that tho' it would be of advantage by strengthening the frontiers and securing the possession of that country, in case of a war, that the petitioners were settled on the lands they pray for, lying between the rivers St. Croix and Sagadahock, yet we find these lands and even Nova Scotia, are granted by charter to the Massachusetts Bay, with this limitation, that the grants of any lands they shall make between the River Sagadahock and the Gulph of St. Lawrence, shall not be of any validity, till confirmed by the Crown ; so that we submit to your Lordship, whether H.M. can properly make a new grant of the said lands. We further take leave to observe, that none of the other Colonies were settled at the charge of the Publick and in so burthensome a manner as this appears to be. [*C.O.* 5, 913. pp. 481-485.]

Wt. 5622.

C.P. 22.

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May 5.  
Whitehall.

**660.** Council of Trade and Plantations to the Lord High Treasurer. *Reply to Sept. 21st, 1713.* As to Capt. Stephenson's grant of land in St. Kitts, we find it was made after the Peace was sign'd at Utrecht, and for three years absolute, whereas we conceive it ought to have been for 3 years or to the end of the war, which should first happen, with a reasonable time allow'd the grantee for gathering his crop. There are many others that have such grants, and tho' we have not a particular account thereof, yet we presume that if not the greatest, the best part of the French settlements have been so patented by the several Governors. And should the patentees obtain absolute grants of those lands from H.M., we apprehend that what remains wou'd not prove of any great advantage to the Crown. Nevertheless we think the patentees may, if H.M. shall so think fit, have a preference in ye purchase, when those lands shall be sold or otherwise disposed of as shall be found convenient. In relation to the settling ye Revenues which may arrise from the said lands, *refer to following representation, No. 662.* [*C.O.* 153, 12. pp. 127, 128.]

May 5.

**661.** Memorandum of Commission and Instructions from the Lords Proprietors of Carolina to William Maule to be Surveyor General of North Carolina. [*C.O.* 5, 291. p. 31.]

May 5.  
Whitehall.

**662.** Council of Trade and Plantations to the Queen. In obedience to your Majesty's Order, June 24th last, we have discoursed with several planters and other persons well versed in the nature and state [*of St. Kitts*], and thereupon humbly represent that the settling of that Island will very much tend not only to the advantage of the inhabitants and trade thereof, but also to the increase of your Majesty's Revenue by the  $4\frac{1}{2}$  per cent. there, and the customs here. And therefore we humbly offer that the same be done as soon as conveniently may be. We have been inform'd the French part of that Island does contain about 30,000 acres in all, whereof about 25,000 are good and proper for sugar canes, the rest being only fit for cattle. As to the properest method of settling the said French part, we humbly offer that it seems to us most for your Majesty's advantage that the same be sold outright to the highest bidder, reserving such a quit-rent to your Majesty, your heirs and successors, as shall be thought proper; and that your Majesty's subjects there, in consideration of their losses in the defence of the said Island in the two late wars, and such as having obtained grants of any of the said lands have improv'd the same, may have a preference in the purchase thereof. And whereas the known fertility of the soil and healthfulness of the climate may invite many persons from other Colonies to come there, 'tis very probable the value of those lands will thereby be advanced to 3, 4, or 5*l.* per acre, which last, as we are inform'd, is more than was ever given there before. We further humbly represent, that in order the sooner to people and settle this Island, that no more than 2 or 300 acres of good manureable lands be granted or sold to any single family,

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and that by an Act to be passed there, the purchasers be obliged to keep for every 40 acres of land, one white servant within a year after the date of their grant or bill of sale, and one white servant for every 20 acres, three years after the said date. And that this law do not only extend to the French part, but to the English also. The better to perform this work for your Majesty's service, we are of opinion it may be necessary that Commissioners be sent from hence, duly qualify'd and enabled to execute their commission, without the intervention of any Govr., Lieut. Govr. or Commander in Chief, unless his or their assistance be desired. It will also be of advantage to the settlement of that Island, that the poorer sort of inhabitants, may have some parcels of the worst land near the seaside, given them gratis, not above 10 acres to ye most numerous family, which will be a considerable strengthening of the Island, and a comfortable support to such poor people. And whereas several petitions of French Protestant Refugees, praying to be restored to some lands in St. Christophers which they lost on account of their religion, have been referred to us, we take leave to state their cases and claims [Elizabeth Salenave, Eliz. Renoult, Alleta de la Coussay, Paul de Bonnemere, Mary and Margaret de Nampon, Catherine Fraise, Martha Assaillie, *v.* April 5th]. Having examined the allegations of their petitions, and finding ye same to be true; we are humbly of opinion the petitioners having lost their estates on account of their steady adherence to the Protestant religion, are fit objects of your Majesty's compassion and may deserve your Majesty's grace and favour. [*C.O.* 153. 12. *pp.* 118 126.]

May 5. **663.** Commission and Instructions for Edward Brooke to be Naval Officer of South Carolina. [*C.O.* 5, 290. *p.* 74.]

May 5. **664.** Governor Lord A. Hamilton to the Council of Trade and Plantations. Mr. Brodrick having surrendered his patent for Attorney General, I appointed Mr. Edmond Kelly. I am now to recommend him for H.M. confirmation, *etc.*, as being a person well qualified and zealous for Her service. The additional subsistence the late Assembly gave for Col. Handasyd's Regiment determining ye first inst., myself and ye Council, have advanced a sume of money upon ye present emergency, not being able to find any other expedient for quartering and subsisting ye men unexceptionable, till they can be provided for by a new law. I intend speedily to call a new Assembly and hope they will prove more dutyfull to H.M. than ye last. In ye mean time I flatter myself that before their meeting I shall receive H.M. pleasure concerning ye recalling or otherways disposing of this regiment. I'm credably inform'd that upon some disorders, that have lately hapned at Vera Cruz, the Flota homward bound are stopt at that port, till fresh orders comes from ye Court of Madrid, which are not expected sooner than August next. We have had here for this six months last past very dry weather which has been prejudiciall to ye Planters, and I am sorry to acquaint your Lopps. that our trade continu's still, quite at a stand, *etc.* Signed, A.



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Hamilton. *Endorsed*, Recd. 28th June, 1714, Read 10th March 171 $\frac{1}{3}$ . 2 $\frac{1}{2}$  pp. [C.O. 137. 10. No. 62; and 138 14. pp. 177, 178.]

May 7.  
N. York.

**665.** Governor Hunter to Mr. Popple. The Queen's ship *Sorlingues* being expected here every hour and to saile with all expedition for England I shall not by this conveyance give their Lorps. any trouble but genll. hints to you. The Assembly in the Jerseys pay'd the arrear due to the Government there, and settled the support of Government for two years forward. I might have had it for a much longer time but for a report sent from Engld. to our malcontents and by them industriously propagated, that the Lord Slane was immediatly to relieve me, wch. had such influence on the majority that if I would not resolve to take it with a limitation to the time of my administration I could obtain it in no other maner then that mention'd, however there was a perfect harmony amongst the sevl. parts of the legislature, which I make no doubt will continue notwithstanding the unweari'd efforts of the enemys of their peace. The bill for ascertaining the property (so necessary) not being rightly understood could not passe this session. I do not despaire of carying it thro' the next. I have past 39 acts publique and private which not being as yet all transcribed, I shall send [by the *Sorlings*?] The Assembly here is busy'd in methods for discharging the publick debts, and though they have gone a great way and most people believe them in earnest, the experience I have had of them makes me still doubtfull of the issue, my next will inform you. The last years lame support now expireing amounts to about 1,800*l.* this countrey money, neither is there any fund that I hear of for making good the deficiency in their treasurer's hands. What they'll do for the ensuing year God alone knows, for I am sure they themselves do not, and the best minded amongst them give me only hopes of such another scanty summ and uncertain method for the insuing year. It can not be H.M. pleasure that her Government here should remain upon this foot, I am sure it is not her interest. If I thought it was, I would suffer anything without complaint. I recd. their Lorps. with the inclosed opinion of the Attorney Genll. about the quit-rents by which I shall govern myself, they come in slowly most of them resolving to stand a Chancery suit. I humbly intreat their Lordps.' pardon for the delays of these acts, but I can not have them ready by this conveyance, etc. *P.S.* The miscarriage of some former letters wth. muster rolls obliges me to continue to give you this trouble, etc. *Signed*, Ro. Hunter. *Endorsed*, Recd. 28th June, 1714, Read 21st June, 1715. 2 pp. torn. [C.O. 5, 1050. No. 81 (a); and 5, 1123. pp. 276-278.]

May 7.

**666.** Merchants trading to the Leeward Islands to the Council of Trade and Plantations. We omitted one thing which appears to us of moment from our Memorial on St. Christophers of April 30th, that the smaller sort of inhabitants, who by our memorial are to have lands given them gratis, be not permitted

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to dispose of them to any person who has any land before, *etc.* *Signed*, Humphrey Sheppard, Ste. Duport and 5 others. *Endorsed*, Recd. 10th May, 1714, Read 31st March, 1715. 1 p. [*C.O.* 152, 10. No. 43.]

May 7.  
Whitehall.

**667.** Mr. Popple to Joseph Martin (Secretary to H.M. Commissaries for treating with those of France). H.M. having been pleased to refer to the Council of Trade and Plantations a memorial from the Governor and Company of Hudson's Bay, relating to their being restor'd to the whole Bay, and to the satisfaction the French are to make them for all damages done them in times of Peace ; as also a petition in behalf of the Island of Montserrat, relating to the losses and damages they suffer'd from the French in 1712, which matters are to be adjusted by Commissaries pursuant to the 10th, 11th and 15th Articles of Peace with France ; their Lordships desire H.M. Commissaries will inform themselves, and let their Lordships know, whether the French Commissaries are impower'd to treat of these matters. [*C.O.* 389, 24. pp. 192, 193.]

May 8.  
Barbados.

**668.** William Sharpe, President of the Council of Barbados, to the Council of Trade and Plantations. *Encloses following.* I was obliged to defer speaking to the Council and Assembly to the 4th instant, the first, which I intended (*v.* April 27th) happening to be the day for the generall exercise of the Militia, according to law ; at which many of the members were, by their military commands, to attend. I shall be proud if your Lordships think what I said proper for the occasion. What effects it will have upon those who have had too great a hand in the divisions of this place for some years past, I can't yet tell, but I am assured it was welcome to the generality of the substantiall people of the place, and if, contrary to my endeavours, the restlessness of a few should still continue, I have no doubt but by the concurrence of the well disposed, to be able so to administer the Government, as that the people in generall, may receive benefit by it. *Signed*, Wm. Sharpe. *Endorsed*, Recd. 21st June, Read 26th Augt. 1714. 2 pp. *Enclosed*,

668. i. Copy of Mr. Sharpe's speech to the Council and Assembly of Barbados referred to in preceding. *Same endorsement.* 2 $\frac{1}{3}$  pp. [*C.O.* 28, 14. Nos. 22, 22 i. ; and (*without enclosure*) 29, 13. pp. 112, 113.]

May 8.  
Treary.  
Chambers.

**669.** Mr. Lowndes to Mr. Popple. *Encloses following* to be laid before the Council of Trade and Plantations. M. Jacqueau may be heard of at Mr. Loquet's in Lamb Alley, Abchurch Lane, *etc.* *Signed*, Wm. Lowndes. *Endorsed*, Recd. 8th, Read 10th May, 1714. *Addressed.*  $\frac{3}{4}$  p. *Enclosed*,

669. i. Moses Jacqueau [*? to the Lord High Treasurer*]. The merchants of the French towns, which were enriched by the Newfoundland fishery and some of which entirely depended on it, will now probably endeavour to carry it on in a clandestine manner, by means of prize ships,

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English built, and other ships they may have bought here, in the name of some of H.M. subjects. Some attempts have already been made. One Tonay, born in England but of French parents, having been in France since the conclusion of the peace, was offered a ship by one Pignonverd, a merchant of St. Malo, which was to be made over to him as if he had bought her, tho' he was in reality to have only the command of her as master, and to go to Newfoundland on the account of Pignonverd and others of St. Malo, *etc.* This cannot be better prevented than by an Act of Parliament prohibiting all foreigners being concerned in the whole or in part in English bottoms trading to Newfoundland. The fishery of that country, if rightly managed and encouraged, is of immense value to England, provided the French are excluded from it, *etc.* *Signed*, Moses Jacqueau.  $1\frac{1}{2}$  pp. [*C.O.* 194, 5. Nos. 44, 44 i.; and 195, 5. pp. 370-372.]

May 10.  
Admiralty  
Office.

**670.** Mr. Burchett to Mr. Popple. Asks for Heads of Enquiry for Newfoundland, the man of warr now bound thither being ready to proceed on her voyage. *Signed*, J. Burchett. *Endorsed*, Recd. 11th, Read 12th May, 1714. *Addressed*.  $\frac{3}{4}$  p. [*C.O.* 194, 5. No. 45; and 195, 5. p. 373.]

May 12.  
Whitehall.

**671.** Council of Trade and Plantations to the Lord High Treasurer. *Reply to March 4.* In the Charter to the inhabitants of ye Province of the Massachusetts Bay, there is a reservation to the Crown of one fifth part of all gold and silver oar and precious stones which should happen to be found, gotten or obtained in any the lands and territories thereby granted; and Col. Spotswood, H.M. Lt. Governor of Virginia, having signify'd to us, that he does believe, the designed undertaking, will turn to H.M. advantage, and the improvement of that Colony, the same carrying a prospect of publick benefit, without any charge or risque to H.M., we have no objection why H.M. may not be graciously pleased to encourage the inhabitants of Virginia by granting them the advantage of all mines, minerals *etc.* with the like reservation of one fifth part thereof, as to the inhabitants of the Massachusetts Bay. [*C.O.* 5, 1364. pp. 31—33.]

May 12.

**672.** Robert West to Mr. Popple. Owing to illness begs a respite from attending the Board in obedience to notice received, *etc.* (v. April 27). *Signed*, Robt. West. *Endorsed*, Recd. Read May 12, 1714. *Addressed*. *Sealed*. 1 p. [*C.O.* 5, 866. No. 21; and 5, 913. p. 489.]

May 12.  
Whitehall.

**673.** Mr. Popple to Mr. West. *Reply to preceding.* The hearing is respited till Wednesday, *etc.* [*C.O.* 5, 913. p. 490.]

May 12.  
Crown Court.

**674.** J. Martin to Mr. Popple. *Reply to May 7.* H.M. Commissaries having enquired of the French whether they are



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empowered to treat about Hudsons Bay and Montserrat ; the French Commissarys answered, they were not. But the Envoy, Monsieur D'Iberville told Mr. Whitworth, that general mention thereof was made in his instructions and he should receive further and more particular orders from his Court, whenever they were demanded here. *Signed*, J. Martin. *Endorsed*, Recd. 12th Read 13th May, 1714.  $\frac{3}{4}$  p. [C.O. 388, 17. No. 2.]

May 13.  
Whitehall.

**675.** Council of Trade and Plantations to the Ld. Visct. Bolingbroke. *Reply to April 13th.* We have consider'd the memorials relating to Hudson's Bay and Mountserrat, and there-upon take leave to offer, that H.M. be pleas'd to signify to the Court of France, the necessity of appointing Commissarys to treat of several matters pursuant to the 10th, 11th and 15th Articles of the Treaty of Peace with France ; we being inform'd that the French Commissarys who are here have not full powers to treat on those matters ; and as soon as we have their answer we shall lay it before your Lordship. [C.O. 135, 3. pp. 126, 127.]

May 13.  
Whitehall.

**676.** Mr. Popple to Mr. Burchett. In reply to May 10th, encloses following. *Annexed*,

676. i. Heads of Enquiry and Additional Instructions for the Commodore of the Newfoundland Convoy. *In the usual form.* [C.O. 195, 5. pp. 373-389.]

May 19.

**677.** Robert West to the Council of Trade and Plantations. *Thanks for indulgence of May 12th (q.v.).* I have spent some of this time in conference with Sir Bibye Lake, and tho' I have a plain title under the pattentee of King James' Governor of New York ; yet I am satisfy'd that Sr. Biby Lake's ancestor was a purchaser many years before, from the naturall landlords and proprietors the Indian natives ; and after the expence of great sums of money lost his life in endeavouring to settle that Island, and that Sir Bibye Lake himself intends to attempt it again, which his youth, his fortune and great interest in that country qualifie him for, but age and infirmities have disabled me to doe. I have therefore resolv'd not to obstruct so publick a good as this may prove, and convey'd my interest to him for a reasonable consideration. I crave leave to withdraw my caveat, *etc.* *Signed*, Robt. West. *Endorsed*, Recd. 19th May, Read 21st June, 1714.  $1\frac{1}{2}$  pp. [C.O. 5, 866. No. 22 ; and 5, 913. pp. 490, 491.]

May 20.  
Pall Mall.

**678.** Major Douglas to Mr. Popple. Amongst several unfounded clamours I hear I am blamed for not sending seasonable advice of Mr. Pearn's leaving Mountserat, without and against my express orders, and that I have hindered Mr. Marshall to receive him back again as Lieut. Governour of that Island. As to the first charge, I sent notice by several conveyances to the Lords Commissioners for Trade and Plantations, tho' I must own that my letters and papers were often lost and destroyed by the enemy and sometimes intercepted in the most inhuman manner and made to speak whatever ill-minded and interested people

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thought most proper for their base purposes ; as to the last when I was at St. Christophers and obliged to leave my family in a sort of a wilderness before my undertaking my last winter voyage I received Mr. Marshall's letter to desire to know if he should resign his authority and receive Mr. Pearne as Lt. Governour untill he was informed that the manner of his desertion was known in England, the lycence of absence which he obtained upon a wrong suggestion being expired in April last, and that he either showed a new commission or some letter or order that he was really sent back to his Government. I answered him that Mr. Pearne had not thought fit to take any notice of his return to me from Antigua, and that I had no time to take any account of him, but believ'd he could not be blamed for expecting one of these reasonable demands satisfied or some sufficient ground to imagin he was continued as Lt. Governour of that Island before he needed to resign to him, and that I heard Mr. Pearne was ill of the gout at Antigua, and I supposed he would speedily receive particular orders from England, which I affirm to be the full of all I know of that matter, only that Mr. Pearne with some others (employed on that design) continued to report and perplex people with stories of several new Governours that were hourly expected over, which mischievous industry has proven the chief obstacle of hindering a perfect harmony and intire reconciliation amongst these people, and the Islands would flourish in great tranquility if once their fears of such dangerous alterations were over, and the name of partys would quickly vanish from amongst them. *Refers to enclosures to be laid before the Board. Signed, Walter Douglas. Endorsed, Recd. 26th May, Read 15th July, 1713. Addressed. 1 p. Enclosed,*

678. i. Address of the Lt. Governor, Council and Assembly of Montserrat to the Queen. *Return thanks* for the Peace. The honourable provisions which in the Articles of Peace you have made for us, together with the friendly offices which General Douglas is allways ready to doe in our favour we hope may in due time in some measure recover the damage done us, *etc.* *Signed, John Marshall, John Daly, Bartho. Rees, Rd. Molineux, Geo. Liddell, Antho. Ravell, Speaker, William White, John Hartt, John Molineux, Tho. Caines, William Finch. Endorsed as preceding. 1 p.*

678. ii. Address of inhabitants of St. Christophers to the Queen. When your Majestie's armes had in the beginning of the late war, reduced this whole Island to your obedience, and expelled the subjects of the French king out of their possessions, your chief Governours here, pursuant to instructions given them by your Majesty, did from time to time grant several Plantations and parcells of French lands to us and others of H.M. subjects, which we have all very much improved, and have constantly exposed our persons and contributed our estates to the defence of this your Majesty's Island ; and we became more encouraged in our labours after your Majesty was

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pleased to communicate to your Parliament, the terms whereupon a peace might be had with France, whereby we found the French King was to make your Majesty an entire cession of this Island, and since an Article of the Glorious Peace confirm'd to us it was so, we have been much more diligent in our improvements and have at this time considerable crops of young canes and provisions on the said lands, for we humbly hoped to have had (as our grants imported) an equitable title to your Majesty's bounty or at least a preference to have bought our respective plantations on the same terms with other unimproved estates. But we are now informed that your Majesty has most graciously condescended to restore to the subjects of the French King their former proprieties of land in this Island. We pray H.M. directions that the French may either pay to us the value of their improvements, or that we be allowed a reasonable time to reap our labour. Your Majesty's subjects in the reign of your Royal Uncle, were on the like occasion obliged to pay the French all improvements within a time certain, or loose their estates. Otherwise many poor people whose labour on the ground is the whole support of their families will be reduced to misery and want, and all of us extreamly impoverished, and must with regret see people from the other Islands (whose estates have less felt the ruin of warr) purchase away the sweat of our brows, *etc.* *Signed,* Walter Douglas, Mich. Lambert, John Davis, J. Panton, John Bourryan, John Willet, Geo. Liddell, Geo. Milward, Ralph Willet. Clement Crooke, Speaker, Thom. Payne, John Greatheed, Antho. Fahn, Aretas Seaton, Richd. Haukshaw, Willm. Johnson, Jasper Verchild, John Sewell, John Seburne, Willm. Macdonald, Edwd. Gillard, Robt. Mullins, Geo. Taylor, Isaac Thomas, Wm. Fenton, Peter Banor, Timothy Hare, Gillires McArthur, T. Williams, John Garnett, Jno. Willet, Hen. Willet, Fran. Claxton, Tho. Young, Pre. Soulegre. *Same endorsement.* 1 p.

678. iii. Lt. Governor, Council and Assembly of Montserrat to Governor Douglas. Praise his administration and recommend Capt. Charles Pinkethman, Commander of the *Hunter* gally. "Such has been the terroure of his name, that none of the enemy's privateers darst scarce peep out," *etc.* *Signed,* John Pearne, Thomas Lee, William Frye, John Daly, Geo. Wyke, Barth. Rees, Rd. Molineux, Edward Parson, John Marshall, Will. Sharpe, Da. Ogilvy, Will. Liddell, Andrew Power, Mathew Bermingham, James Donnelan, Jona. Warner. Da. Bethun clk., Jon. Yate Giffard, rector, Patt. Blake, Martin French, David Bodkin, Ja. Kenney, Geo. Skerrett, senr., Patrick Lynch, John Blake, Robert Skerrett, Tho. Blake, Nicho. Skerrett, Bartho.



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Lynch, Edw. Buncombe, Speaker, Nathl. Harris, senr., Jno. Bramley, Antho. Ravell, John Molineux, William Finch, William White, Joseph Sayer. *Same endorsement.* 1 p.

678. iv. Address of the Council, Assembly and inhabitants of Mountserrat to the Queen. Lt. Governour John Pearne did at Easter 1712, contrary to the orders of Governor Douglas, leave his command, on what account we know not, he having severall times before he left us exposed his commission to sale. but we believe he did not obtaine that favour of your Majestie, he having some time after his arrivall in Great Britain sent over your Majestie's furlo, which signified he left the Island for his health, *etc.* We believe he was in perfect health when he imbarqued. Not long after he left us the French invaded the Island and in great measure destroy'd it, severall of us being utterly ruined and all of us great sufferers. The time of his furlo being expired and he not returning to his command, Generall Douglas has commissioned Capt. John Marshall, Commander of your Majestie's forces in this Island, Lt. Governour in his stead, with whome we are very well pleased, having had a long experience of his good behaviour, espetially when the enemy was with us. *Pray H.M. confirmation of Capt. Marshall. Signed,* John Molineux, Chairman, John Hartt, Joseph Sayer, Thomas Caines, William Finch, Da. Ogilvy, Richd. Molineux junr., Edwd. Buncombe, John Daly junr., William Liddell, Jno. Cochran, Andrew Power, Peter Skerrett, Jona. Warner, Mark Rigby, Ja. Finch, Bartho. Rees, Richd. Molineux, Geo. Liddell, Tho. Allen, N. Basse, Nath. Harris senr., John Roynon, Phill. Reyly, James Semper, Patr. Goune, Pat. Semper. *Same endorsement.* 1½ pp.

678. v. Deposition of Lt.-Governor John Marshall. Before his departure Lt. Governor John Perne offered to sell deponent his commission of Lt. Governor for 400*l.* He informed Governor Douglas, who made little or no reply. Deponent heard Major George Wyke declare that he had agreed with Mr. Perne for the said commission. William Liddell declared that Perne said he went to England to complain against Governor Douglas. *Signed,* John Marshall. Montserrat, Oct. 23rd, 1713. *Same endorsement.* 1½ pp.

678. vi. Deposition of George Liddell. Lt. Governor Perne offered to sell deponent his commission in case he could not agree with George Wicks (=Wyke, as *supra*) *etc.* *Signed,* Geo. Liddell. Montserrat, Oct. 23rd, 1713. 1 p.

678. vii. Deposition of David Ogilvy. Lt. Governor Perne said he would sell his commission and go for Great Britain and make all the interest he could for the Lt. Governour's commission for Antigua. Montserrat, Oct. 23, 1713. 1 p.

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678. viii. Governor Douglas to Lt. Governor Pearne. St. Christophers, April . 1712. Your frequent absence from your command (tho' so very much exposed to the enemy) and your great neglect of the affaires of that Island, makes my surprize the greater to find you in earnest desire a furlow of leave to go for England (because forsooth you alleadge your affaires require it) a liberty I durst not assume to myself without express leave from H.M. ; I am oblidge to recommend to your care and more hearty application, the publick affaires of that Island, and particularly your endeavours in forwarding the passing of the Act of Courts, *etc.* and to give all possible assistance to have the new fort finished which is erecting at Reed's Point. *Signed*, W. D. *Same endorsement.* *Copy.* 1 p.
678. ix. Deposition of Serjeant Thomas Pownsford. Montserrat, May 28, 1712. Deponent ordered delivery of a letter from Governor Douglas to Lt. Governor Pearne, April 19, 1712. *Signed*, Tho. Pownsford. *Same endorsement.*  $\frac{3}{4}$  p.
678. x. Deposition of Private John Compton. Montserrat, May 28th, 1712. Deponent delivered a letter to Lt. Governor Pearne on April 19, 1712. *Signed*, John Compton. *Same endorsement.*  $\frac{3}{4}$  p.
678. xi. Lt. Governor Pearne to Governor Douglas. Montserrat, April 12, 1712. My affaires oblidge me to goe for England by the first opportunity. I desire your Excellency's furlow of leave for six months, *etc.* *Signed*, John Pearne. *Same endorsement.* 1 p.
678. xii. Petition of the President, Council and Assembly of Montserrat to Govr. Douglas. *Pray* him to recommend to H.M. for reparation of his losses *etc.* Capt. John Marshall, belonging to Col. Francis Alexander's regiment, who has been in this Island 3 years, and was twice taken prisoner coming from England. During the two invasions of the Island, he with his men did their utmost to defend it. He has suffered losses thereby to the value of 5 or 600*l.*, *etc.* *Signed*, Edward Parson, John Daly, Geo. Wyke, Bartho. Rees, Rd. Molineux, Geo. Liddell, Antho. Ravell, Spkr., John Molineux, William Finch, John Hartt, Tho. Caines, William White. *Same endorsement.* 1 p.
678. xiii. Address of the Lt. Governor, Council and Assembly of Montserrat to Governor Douglas. *Praise* his administration and *pray* him to procure from H.M., when he arrives in Great Britain, reparation for their recent losses, by representing how utterly incapacitated they are from supporting themselves without H.M. timely assistance, *etc.* *Pray* H.M. long to continue him in this Government, *etc.* *Signed*, Bartho. Rees, Richd. Molineux, Geo. Liddell, Tho. Allen, William White, John Molineux, John Hartt, Thomas Caines, Joseph

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Sayer, William Finch. *Same endorsement.* 1 p. [C.O. 152, 10. Nos. 25, 25 i.-xiii.; and (without enclosures) 153, 12. pp. 133-137.]

May 20.  
Whitehall.

**679.** Lord Bolingbroke to the Council of Trade and Plantations. Encloses following for their opinion concerning the expediency of continuing this expense, *etc.* Signed, Bolingbroke. Endorsed, Recd. 20th. Read 24th May. 1714. 1½ pp. Enclosed,

679. i. Board of Ordnance to the Lord High Treasurer. There is still continued in pay at Barbadoes a master and 17 gunners sent thither by virtue of H.M. Order in Council, Aug. 6, 1702. (*q.v.*). This office has only received 4,438*l.* 16*s.* 9*d.* of 15,015*l.* 13*s.* 3*d.* due from the 4½ p.c. duty on their account, *etc.* Ask if they are to be continued in pay, and, if so, for H.M. orders that the office be reimbursed, *etc.* Signed, C. Musgrave, Wm. Bridges, Ried. King. Copy. 2 pp.

679. ii. Account of 10,576*l.* 16*s.* 6*d.* due from Barbados to the Board of Ordnance on above account. ¾ p. [C.O. 28, 14. Nos. 17, 17 i., ii.; and (without enclosures) 29, 13. pp. 89, 90.]

May 24.  
Whitehall.

**680.** Council of Trade and Plantations to Lord Bolingbroke. Reply to preceding. Quote representations of April 29, 1702, and March 31, 1713. We are of opinion that until the fort (referred to in the latter) be finish'd, wch. may then require a new establishment, that service may be perform'd by matrosses, *etc.* Autograph signatures. 3 pp. Enclosed,

680. i. Duplicate of C.S.P. Ap. 29, 1702. Endorsed, Recd. 24th May, 1714. [C.O. 28, 38. Nos. 78, 78 i.; and (without enclosure) 29, 13. pp. 91-93.]

May 24.  
Whitehal.

**681.** Mr. Popple to Mr. Attorney General. Encloses Acts of Jamaica Dec. 24th, 1713, and Feb. 18, 1714. The Council of Trade desire your opinion in point of law, as soon as possible, upon the Act for the more effectual relief of the Freeholders and Inhabitants of Kingston. [C.O. 138, 14. pp. 102, 103.]

May 29.  
Whitehall.

**682.** Lord Bolingbroke to William Sharpe, President of the Council of Barbados. The Board of Ordnance have represented that pursuant to an Order of Council, Aug. 6, 1702, they sent to Barbadoes a proportion of Ordnance stores, an Engineer and Storekeeper, a Master Gunner and 17 gunners; and that directions were given for reimbursing to them the value of the stores, together with the charge of the said officers and gunners out of the duty of 4½ p.c.; but that they have received no more than 4,438*l.* 16*s.* 9*d.*, whereas the charge they have been at amounts to 15,015*l.* 13*s.* 3*d.*, and that the gunners continue still in pay at the yearly sum of 711*l.* 15*s.*, whereas they have neither money in their Treasurer's hands for that service, nor is there any provision made for it by Parliament. They therefore desired to know the Queen's pleasure whether the aforesaid gunners should be



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continued in pay or not. H.M. hereupon came to the following resolution, which I am to transmit to you. The Queen finding that a fort was begun in Barbadoes, but not yet finished, nor likely to be brought to perfection by reason that a considerable sum of money was wanting to compleat the work, H.M. judged that the current service of the Ordnance in time of peace might very well be carried on, as it had been formerly, by matrosses who were paid by the Assembly, and accordingly orders have been given to the Board of Ordnance that the Master Gunner and 17 gunners should be discharged, as being unnecessary at this time, especially while the fort remains unfinished, and that matrosses should be employed in Barbadoes, and paid by the Assembly there in the same manner as hath been practised heretofore. These H.M. commands you will take care to see executed as farr as relates to you, and particularly that the necessary provision be made by the Assembly for paying the matrosses which shall be entertained in the Ordnance service at Barbadoes. *Signed*, Bolingbroke. [*C.O.* 324. 33. pp. 43-45.]

May 31.  
St. James's.

**683.** H.M. Warrant to Mr. Attorney General to prepare a bill appointing Alexander Burnett Clerk of the Markets in Barbados, in place of Norman Mackascall decd., and to hold the said office by himself or sufficient deputy or deputies, *etc.* *Countersigned*, Bolingbroke. [*C.O.* 324. 33. pp. 45, 46.]

June 1.

**684.** Order of the House of Lords. *Act for encouraging the Tobacco Trade* ordered to be read a second time, and that in the mean time a copy of the bill be transmitted to the Council of Trade and Plantations for their opinions of the tobacco trade. *Signed*, Math. Johnson, Cler. Parliamentor. *Endorsed*, Recd. Read 2nd June, 1714.  $\frac{3}{4}$  p. *Enclosed*,

684. i. Draft of Bill for encouraging the tobacco trade. *Same endorsement.* 41 pp. [*C.O.* 5, 1316. Nos. 106; and (*duplicate*) 107, 107 i.; and (*without enclosure*) 5, 1364. p. 33.]

June 1.  
St.  
Christopher's.

**685.** Robert Cunynghame to the Council of Trade and Plantations. I am sorry should be obliged to represent the conduct of the Gent. before whom depositions are to be taken by the Order of H.M. in Council June 24, 1713, for the effectual proving my complaints against General Douglas and Lt. Governor Lambert, they have indeed issued forth precepts commanding the Marshal to summons the evidence before them, but will take no notice of their not appearing telling me publicly that they have no authority to compel them to appear to give their evidence, and that they will not: I have had indeed several meetings, but as I am to prove my complaints against the Lieut. Governor by his friends, they will not appear, neither will the Lieut. Governor himself to give his evidence on my complaint against the General tho' often summoned. By what is already sworn, will appear my being imprisoned denied to be admitted to bail, and

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discharged without any tryal. That the brass field pieces were in Charles Fort and seen after that on board a brigantine whereof the Lieut. Governor was part owner, and that the inhabitants of this Island in common had only beef of H.M. royal bounty by Capt. Camocke at the rate of 15 persons to a barril wch. amounted in the whole to between 140 and 150 barrils of beef: 467 barrils were delivered by Capt. Camocke besides the other specias mentioned in my charges against the Lieut. Governor, the original inventory of which by an accident fell into my hands. I cannot think H.M. or your Lordships do expect I shal prove my complaints unless the persons who are to give evidence be obliged to do the same, were my allegations false your Lordships may be perswaded the General's and Lieut. Governor's friends would appear without any difficulty, *etc.* Signed, Ro. Cunynghame. Endorsed, Recd. 14th, Read 30th, Aug. 1714. 2 pp. [C.O. 152, 10. No. 32.]

June 2.

**686.** Mr. Perry and Capt. Hyde to the Council of Trade and Plantations. A brief account of the present state of the tobacco trade and of the bill relating thereto (*v.* June 1st). There are 5 duties payable on tobacco amounting to 6½d. per lb. The produce is often not sufficient to pay the custome, freight and other charges. Drawbacks are allowed on exportation within 18 months, but merchants have of late been obliged to do it in 3 or 9 months, whereby Holland hath been made the magazine of that commodity, *etc.* *Details of the Bill.* Endorsed, Recd. Read 2nd June, 1714. 3 pp. [C.O. 5, 1316. No. 108.]

June 3.

**687.** John Pery to Mr. Popple. The Hudson's Bay Compa. are sending a Gentm. to take possession of our countrey very speedily. He can give their Lordships information relating to the damages the Fr. did us in tyme of peace *etc.* Signed, John Pery. Endorsed, Recd. 3rd, Read 18th June, 1714. 1 p. [C.O. 134, 2. No. 39; and 135, 3. pp. 128, 129.]

June 5.  
Whitehall.

**688.** Council of Trade and Plantations to the Lords Spiritual and Temporal *etc.* *Reply to June 1st.* We take leave to represent that upon a strict enquiry and examination of accounts produced from Holland, and other foreign parts in 1707, to the then Commissioners for Trade and Plantations, the state of the tobacco trade did appear to be as follows:—*Quote* first part of representation of *July 1, 1707, v. C.S.P. 1707, No. 1024 i.* Since which, we have been informed, that the growth and consumption of European tobacco is encreased at least double to what is aforementioned; and by representations which we have received from the Councils of Virginia and Maryland, it appears, that those Provinces are in a very miserable condition by the low price of tobacco here, occasioned by the great quantity and cheapness of European tobacco sold as aforesaid, and by the high duties on tobacco here, insomuch that very many of the inhabitants do not get sufficient to cloath their families in return of their tobacco, and others who have formerly lived plentifully upon the produce

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of that commodity, are now reduced to very great wants and necessities, for which reasons several of the inhabitants are removed to other Colonies where they are not of so great advantage to this Kingdom ; and others that remain, are forced to fall into manufactures with which they used formerly to be supply'd from hence, and in general the Provinces are very much in debt. We have received from Lt. Govr. Spotswood an Act lately passed in Virginia, *for preventing frauds in tobacco payments and for the better improving the staple of tobacco* ; whereupon he observes ; that after the many discouragemts. which that trade laboured under, both there, and in Great Britain, it was necessary to enquire from what root so many evils did proceed, which has been judged to be owing in part to the ill management of tobacco there ; many people in Virginia making it for no other end than to pay off debts, and taxes, for which purpose they think it good enough, how mean soever it be, and others making such a sort as several of the out-traders in Great Britain most eagerly seek after (especially of late) ; and seeing house sweepings and the worst of trash is a sort too, which they go to Virginia to purchase, and that they have been known to pour salt water upon such tobacco as soon as they had got it on board, it may be reasonably suspected that what they bring from those parts rather diminishes than encreases the duties at the Custom-house, and serves (as he says) for no other than vile practises, whereby the staple of Virginia tobacco has been brought into disesteem ; that the said Act therefore by obliging all planters to have their tobacco viewed by a sworn officer in the manner therein prescribed, has made a provision against the exportation of all such trash as is said to be allowed by the Custom-House-Officers in the out-ports, as damaged tobacco, and thereafter frequently re-exported with the benefit of the drawback ; and thus (he says) it is hoped, the reputation of Virginia tobacco may be retrieved, when none but such as is found worth paying the duty at home, shall be sent to the foreign markets. We have also been informed by the merchants, that by reason of the high duties, this difficulty in giving securities and want of proper encouragement there, have lain for about 20 months last past, several ships in the River of Thames, with between 6 and 7,000 hhds. of tobacco on board, the proprietors or their agents not having been able to comply with the law as it now stands. This is the present state of the tobacco trade, and having in pursuance of your Lordships' Order, considered the several provisions mentioned in the Bill now before your Lordships, we are humbly of opinion the said trade will be very much eased and benefitted thereby, and the British merchants enabled in a great measure to supply foreign markets with the tobacco of H.M. Plantations instead of that of the growth of Europe. [*C.O.* 5, 1364. *pp.* 34 42.]

June 5.  
Council  
Chamber,  
Whitehall.

**689.** Order of Lords of the Committee of Council for hearing appeals from the Plantations. Her Majesty having been pleased by Her Order in Council of April 21st last to refer back to this Committee a representation of the Lords Commissioners for Trade



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setting forth the ill consequences of the liberty used in H.M. Plantations in America of making and enacting laws to continue in force, for so short a time, whereby H.M. prerogative of approving or disapproving such laws is evaded : Their Lordships for their better information therein are pleased to order, that the said Lords Commissioners do examine and inform themselves by the best ways and means they can, how, and by what grants or authorities the said Plantations do claim the liberty and power of making such temporary laws as aforesaid, and propose to this Committee with all convenient speed, what methods they shall judge most proper to be taken in order to the setting aside the said practices so prejudicial to H.M. interest, as well as the trade of her subjects. *Signed*, Christo. Musgrave. *Endorsed*, Recd. Read. 9th June, 1714. 1 p. *Enclosed*,

689. i. Order of Queen in Council, April 21, 1714, St. James.

Upon reading a report from the Committee of the whole Council, March 20th, vizt., that upon an Order of Council, Feb. 20th, referring to them the representation of the Board of Trade (Jan. 15) concerning Acts of Pennsylvania and temporary laws in the Plantations, their Lordships having taken the same into consideration, and finding by a Minute at the Treasury Chambers read at the Board, that an agreement hath been made there with Mr. Penn and others proprietaries of Pennsylvania and other lands therein mentioned for surrendring to the Crown their propriety thereof for the sum of 12,000*l.* to be paid by the Crown in four years time ; their Lordships do agree humbly to offer their opinion, to H.M., that the said agreement for such purchase, reference thereunto being more particularly had, be perfected with the said Wm. Penn and others concerned therein by Act of Parliament by reason of the incapacity of the said Wm. Penn wherein also provision may be made for the inconveniency so complain'd of in passing and transmitting of laws and otherwise occasioned by the present tenour of the said charter. The report is approved and it is ordered that the Lord High Treasurer do proceed to the perfecting of the said agreement with the said Mr. Penn and the other persons concerned in order to have the same passed into an Act of Parliament as soon as conveniently may be. It is referred back to the Committee of the whole Council to examine and enquire into the powers and authorities by which the rest of H.M. Plantations in America do pretend to ye making and enacting laws to continue in force, for so short a time whereby H.M. prerogative of approving such laws is evaded ; and to consider of such methods as their Lordships shall judge proper for setting aside the said practices so prejudicial to H.M. interest, and the trade of Her subjects, and to present the same to H.M. in Council. *Signed*, Christo. Musgrave. 3 pp. [C.O. 323, 7. Nos. 30, 30 i. : and 324, 10. pp. 41-46.]

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**690.** Mr. Attorney General to the Council of Trade and Plantations. I have considered of the Act *for the more effectual releif of the freeholders and inhabitants of Kingston* (in the Island of Jamaica), which Act takes notice that after the earthquake in 1692, most of the habitations at Port Royal being thereby destroyed the then Governmt. for the preservation of the trade of that Island, verbally agreed with Nicholas Laws one of the attorneys of Sir William Beeston for settling the town of Kingston, and Thomas Ryves his other attorney agreed to the same, as was affirmed by Col. James Archbould, whereby 200 acres of land part of 530 acres of Sir Wm. Beeston's in the parish of St. Andrew and harbour of Port Royal should be surveyed, laid out and divided into several distinct lotts and parcells, whereon the inhabitants of Port Royal should settle, to be called Kingston, for which Sir Wm. Beeston was to have 1,000*l.* by a certain time. That pursuant to such agreement the 200 acres were survey'd, laid out, and divided into lotts for building and into streets, and other parcells for other publick uses, and a plan of the same was drawn by a sworn surveyor, and a duplicate thereof sent to England to Sir Wm. Beeston who approved thereof, and consented that the 200 acres should be built on, and enjoyed as laid out by the plan. That in that plan there was laid out a street called Harbour Street, which extended from the first row of lotts for building, fronting the Harbour quite to the sea; and Sir W. Beeston in 1692 arriving in that Island as Lt. Governor and finding by many buildings erected in Kingston, that it would be more advantageous to him to sell the lotts separately, than to accept the 1,000*l.*, he proceeded in selling the lotts. And it is alledged in the Act, that he encouraged the inhabitants of Port Royal and others to purchase lotts in the town, and told such as would purchase, that the streets and other publick places should be enjoyed to the uses they were designed for, and in particular, that Harbour Street should be always used as a publick street, wherein the inhabitants might ship off, and land their goods, and that the street was always deemed a publick street and easement to all the inhabitants in common as other publick streets there were. On which expectation the settlers accepted bills of sale of their respective lotts from Sir W. Beeston, for money paid by them, whereby he conveyed such lotts with their appurts., by which they apprehended and were advised they were entitled to the common use of Harbour Street as being appurtenant to those lotts. That after the inhabitants had laid out their money in building upon such lotts, Sir William intending to deprive them of the Harbour, which was the cheif inducement to settle in Kingston, conveyed that part of the street called Harbour Street that bounded on the sea to his Secretary Thomas Bowyer, and granted him by letters patents the shoal water on which the said Harbour Street bounded, without the allowance of the Attorney General as usual, and his Secretary reconveyed them to him in fee, at which the inhabitants being displeased Sir William to quiet them in 1693 issued a Proclamation signed with his own hand, taking notice that malicious persons had raised reports

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that he had or did design to sell the land on the front of Kingston between the first row of buildings called Harbour Street on the sea side, he declares for the encouragement of the buildings that he never did intend any such thing to their prejudice, nor did then intend it. That thereupon great numbers of lotts were built, and the building advanced very much during Sir William's stay there, which was till 1702, and he never pretended any right to Harbour Street or the shoal water there, but often repeated his former declaration, and the inhabitants in Sir William's life enjoyed Harbour Street and the shoal water. Yet the devisee of Sr. William Beeston has interrupted the inhabitants in the enjoyment of Harbour Street, and pretends right to it, and to the shoal water, whereby the inhabitants would be deprived of the passage to the sea, and the sole advantage that encouraged them to settle in that town, and for that it is just the inhabitants should be quieted in the enjoyment of the streets, and for the advancement of trade, and further settling the town, it is enacted that all the streets in Kingston, and the land laid out for the Church, Market, and Parade, and more especially Harbour Street before the first row of houses fronting the sea, and extending to the same as laid out in the plan and all other parcells of land laid out for publick use, and the shoal water and harbour adjacent shall be and are thereby vested in H.M. in fee, to the use of the inhabitants of Kingston for ever, to be enjoyed by the inhabitants in common as fully as at any time heretofore against all persons claiming under Sir Wm. Beeston freed and discharged of his and their respective estates, and the letters patents to Bowyer, and the reconveyance by him, of the shoal water are declared to be void and that no buildings shall be erected on the said Harbour Street, and those already erected to be pulled down within six months after passing the said Act. But there is a proviso, that that Act shall not extend to the lands of Peter Beckford and Elias Nazarean. The Act was passed Feb. 18, 1713, and if the allegations therein mentioned are true, I am of opinion the Act is reasonable and just, for the preserving the inhabitants' rights to Harbour Street, and the passage to the sea, that they be not obstructed by building. But Sr. Charles Orby who married the widow of Sir W. Beeston, and is entitled to her estate in her right under his will, opposes Her Majtie's. approving the said Act, alledging that severall of the facts therein mentioned are otherwise than as stated by the Act, for that it is so far from being true that Sir W. Beeston till 1702 never insisted to have any right to Harbour Street or the shoal water, that it appears by copies of Sir W. Beeston's conveyances exemplified under the seal of the Island, produced to me, that in 1700, he sold one lott of the shoal water land to Elias Nazarean, and another to him in 1702, and another in 1700 to Peter Beckford, who was Speaker to the Assembly that passed the Act. And it seems unequal that the houses built by them thereon should be excepted out of the Act, altho' they claim under Sir W. Beeston, and the houses of other persons claiming under him are enacted to be pulled down. And by several affidts. produced to me it does appear that the houses



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to be pulled down by this Act, were built in 1704 at very great expence without being at all interrupted therein by the inhabitants of Kingston, and they have been quietly enjoyed till the making of this Act, and that in 1712 the houses being damaged by a hurricane, they were quietly repaired without interruption, and that in their apprehension the inhabitants of Kingston lookt upon those buildings rather as a benefit than prejudice to the said town, the breadth of the streets from the row of buildings abutting on Harbour Street being left unbuilt on, and thereby the streets continued to the sea. Col. Laws appeared before me for the Bill, and insists that they shall be ready to make out the allegations of the Bill, and that the same is just and reasonable. Now in regard that the six months will end in August next, when by the Act the buildings are to be demolished, and that there will not be sufficient time for hearing all the parties concerned in order to your Lordps. advising H.M. to confirm or repeal the same, I humbly propose that H.M. pleasure be signified to the Governor of Jamaica, that the execution thereof be suspended for a certain time, or till H.M. pleasure shall be declared thereupon. *Signed*, Edw. Northey. *Endorsed*, Recd. 8th, Read 10th June, 1714. 5½ pp. [*C.O.* 137, 10. No. 49; and 138, 14. pp. 103-110.]

June 8.  
Whitehall.

**691.** Lord Bolingbroke to the Council of Trade and Plantations. I have writ to Monsr. d'Iberville, the French Envoy, to know in what manner his Court intends to treat of those points wch. are referred by several Articles in the late Treaty of Peace with France, to the discussion of Commissarys on both sides, and particularly the matters mentioned in the 11th Article, which it is most proper to settle here. But as to the regulating the limits belonging to the Hudson's Bay Company, and other matters left to Commissarys by the 10th and 15th Articles, H.M. thinks fit to direct that your Lordships should consider of the properest method for appointing Commissarys, and determining the points in dispute, which are to be regulated on the spot in America. *Signed*, Bolingbroke. *Endorsed*, Recd. Read 8th June, 1714. 1 p. [*C.O.* 388, 17. No. 15; and 389, 24. pp. 250, 251.]

June 10.  
Whitehall.

**692.** Mr. Popple to Mr. Attorney General. *Encloses* papers relating to the enacting of temporary laws in the Plantations (*v.* April 21 etc.) for his opinion as soon as possible. [*C.O.* 324, 10. pp. 47, 48.]

June 10.  
St. James's.

**693.** H.M. Warrant to Mr. Attorney General to prepare a bill appointing Thomas Hare, Register in the Chancery and Clerk of the Crown in Barbados, in place of Robt. Stewart, decd., and to hold the said offices by himself or deputies (who shall be resident upon the Island), etc. *Countersigned*, Bolingbroke. [*C.O.* 324, 33. p. 47.]

June 13.

**694.** [*? General Worsley to Lord Bolingbroke.*] List of Gentlemen proper to supply the vacancys that may happen in H.M. Council at Barbados:—George Foster, William Terril,

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Henry Peers, Samuel Broom, Thomas Applewaite, Henry Evans, John Pikering, Edward Jordan, James Hannay, Ralph Weekes, John Holder of St. Philips, and Joseph Pilgrim. *Endorsed*, In Genl. Worsley's of June 13th, 1714. 1 p. [C.O. 28, 38. No. 79.]

June 14.  
Annapolis  
in Maryland.

**695.** Governor Hart to the Council of Trade and Plantations. I arrived here on 29th May, after a tempestuous passage of nine weekes. Immediatly on my arrivall, I summoned ye Councill and published my Commission on the 31st, and took ye appointed oaths, *etc.* I found the Assembly prorogued to ye 23rd inst., at wch. time I intend to communicate to them such artickles as I am enjoyned by my Instructions. I cannot be so particular to your Lordships in ye state of this Province, as I hope to be in some short time, when I shall be enabled to relate it with more certainty, *etc.* *Returns thanks for the ready despatch of his Commission through the office, and for the particular regard shown to him by their Lordships in the permission granted him to go during the hot season to New York.* Signed, Jo. Hart. *Endorsed*, Recd. Read Sept. 9, 1714. 2 pp. [C.O. 5, 717. No. 58; and 5, 727. pp. 437, 438.]

June 14.  
Barbados.

**696.** President Sharpe to the Council of Trade and Plantations. *Refers to* letter of May 8th. Since which the Assembly address't me in answer to my speech and made me many fair promises of coming into the healing measures I so earnestly recommended to them of repairing their fortifications retrieving the publick credit and encouraging a regular distribution of justice. I ordered the state of the first to be enquired into by the proper Commissioners, but the reports to me have been so delayed by some of them that I have not yet been able to press that matter to them, but the Assembly being by my orders to meet to-morrow, I shall again recommend it to them. The publick credit has been yet more neglected, not one step or motion towards it having yet been made by them. And as to the publick justice, they have given it all the obstruction in their power. The Court of Grand Sessions which was to have been holden the 8th instant could not proceed by reason of their peremptory refusal to pass a subsidiary law to prevent any disputes which might arise from the returning a person to serve at that Court as a juror who had unknown to the Sheriff sold so much of his freehold a few days before the writts were published as made it disputeable whether he had a sufficient estate left to qualify him to act as such. I earnestly preest it to them more than once: Their pretence for their refusal was the sickness in town; I must humbly beg your leisure to peruse the enclosed Minutes of the Council and of the Assembly, which contain some of my reasons for it and theirs against it, when I presume to flatter myself your Lordships will be of opinion, their reasons were not of force enough to put off a Court of that consequence; especially when a criminal lay committed for a murder generally represented very barbarous. I thought it my duty to execute the commissions for holding the Court, and to let the

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matter of the return abovementioned come in question and be decided by the Court; but it was so contrived that there did not attend Justices enough to compose a Court, tho' the Provost Marshall, by my order summoned several of them who were in town. 'Tis not seven months past when these Gentlemen concurr'd with Mr. Lowther in passing a law to enable the then ensuing Court to hold, tho' the very writts in the case were erroneously issued, and many other essential omissions; but they had at that time an honest gentleman to sacrifice. I do not, my Lords, impute this to the whole House, I am sensible there are some very honest gentlemen amongst them; but there are two or three leading men, who have had too great a liberty under the late administration to oppress all whose faces they did not like, and were therefore apprehensive should the Sessions hold, their late irregularitys were so flaming, the Grand Jury would expose them in the presentments always made on such occasions. To these Gentlemen a government by party is necessary, I am not therefore surprized they should endeavour to cross my measures, when they find them tending to the uniteing of the people, and to the preferring to the honours of the place, the best men of healing dispositions, without regard to the views of either of the little factions which have so embroiled affairs here. But those measures are too wholesome to be laid aside from a few difficultys in the entrance; and tho' the breaking these partys here be a work of time, I flatter myself I shall be able to make such a progress in it, as may make appear the compleating it not to be impracticable; at worst, my Lords, I think it too good a work not to be at least attempted. I have appointed a general review of the Militia on the 17th instant in two places, when I shall be able to judge of the qualifications of the several officers, and the strength of the Island; after which, I intend to view all the fortifications myself, having no great reason altogether to rely on the reports of the Commissioners to me. During this progress I hope to have frequent opportunitys of bringing the men of good inclinations together, and upon my return, I shall proceed to confer the posts upon such gentlemen as have too good estates and affections to permit the very walls of the forts to fall, and the publick credit to be 60 or 70 per cent. discount; which is the present lamentable state of this place. *P.S. Encloses addresses from the Council, the Clergy and the Merchants and Traders of Barbados to the Queen. Signed, Wm. Sharpe. Endorsed, Recd. 27th July, Read 26th Aug. 1714. 2 pp. Enclosed,*

696. i. Copy of Speech of Col. Sharpe, President of the Council of Barbados, to the Assembly, May 4, 1714. (*v. Minutes of Council*). *Same endorsement. 2½ pp.*

696. ii. Copy of Journal of Assembly of Barbados, June 7, 1714. *Same endorsement. 7 pp.*

696. iii. Copy of Address of the General Assembly of Barbados to Col. Sharpe, President of the Council. May 11, 1714. (*v. Minutes of Council*). *Same endorsement. 2 pp.* [*C.O. 28, 14. Nos. 19, 19 i.-iii.; and (without enclosures) 29, 13. pp. 99-105.*]



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June 14.  
Barbados.

**697.** President Sharpe to Lord Bolingbroke. *Begins as preceding letter. Concludes* :—I thought it my duty, my Lord, in regard the Clergy had been of late very much discountenanc'd here, to call 'em together in a body, to entertain them with great respect, and to offer 'em my service towards redressing any grievances they might labour under ; they have promiss'd to lay 'em before me, and have drawn up an humble address to Her Majesty, which they have pray'd their Diocesan, my Lord of London, to present ; one of which I presume to inclose to your Lordship. I had lately, my Lord, the honour of a letter from your Lordship in favour of Mr. Savage ; it shall always be my ambition to obey your commands. I have made that gentleman H.M. Solicitor General, which was the best thing in my gift, and I will take care to do him all other offices of friendship. I had also the honour of your Lordship's commands by Mr. Brimsden, in favour of Mr. Good ; I will, my Lord, do his agents here all the service in my power. I beg you will take me into your protection, *etc.* *Signed*, Wm. Sharpe. *Endorsed*, Rd. Sept. 13. 3 pp. *Enclosed*,

697. i. Address of the Merchants and Traders of Barbados to the Queen. Return thanks for the appointment of Col. Sharpe. During his previous Government, it was his peculiar care to encourage trade. We shall heartily concur with him, *etc.* June 7, 1714. 119 *signatures*. 1 $\frac{3}{4}$  pp.

697. ii. Address of the Council of Barbados to the Queen, June 7, 1714. Return thanks for the appointment of William Sharpe to command this place, *etc.*  $\frac{1}{2}$  p.

697. iii. Duplicate of No. 654 iii.

697. iv. Duplicate of No. 696 i.

697. v., vi. Duplicates of No. 696 iii. [*C.O.* 28, 43. *Nos.* 89, 89 i. (*covering letter and encl. i. only*) ; and 28, 38. *Nos.* 80, 82, 84–87 ; and (*duplicate of covering letter*) 81.]

[June 16.]

**698.** Moses Jacqueau to the Council of Trade and Plantations. *Describes* the French fishery at Placentia *etc.*, which he recommends should be settled with disbanded soldiers. The English must be encouraged to carry on that trade now with the utmost vigour, and the French not suffered to fish out of their appointed limits. Ships must arrive at the Fishery by the beginning of March, *etc.* *Prays* for renewal of the pension granted to him by King William for his services in the Navy, 1691, to which a stop has now been put by a general order from the Lord High Treasurer. *Signed*, M. Jacqueau. *Endorsed*, Recd. 16th June, 1714. Read 1st Feb., 17 $\frac{1}{2}$  $\frac{5}{8}$ . 8 pp. *Enclosed*,

698. i. Copy of H.M. Warrant, March 3rd, 1692, granting to Moses Jacqueau, French sea officer and refugee, a pension of 120*l.* for his services in the English Navy, *etc.* *Countersigned*, Nottingham. 1 p.

698. ii. Earl of Nottingham to Admiral Edward Russel, Hague, March 8, 1691. Recommends M. Jacqueau, *etc.* *Signed*, Nottingham. *Copy*. 1 p.

698. iii. Copy of trial of M. Jacqueau in the French Court of

1714.

Admiralty, March 5 (N.S.) 1692. Sentenced to death and all his property confiscated. 3 pp. [*C.O.* 194, 6. Nos. 2, 2 i.-iii.; and (without enclosures) 195, 6. pp. 165-179.]

June 19.  
Whitehall.

**699.** Lord Bolingbroke to Governor Lord A. Hamilton. Your letter of Aug. 3rd was put into my hands by the Earl of Dartmouth, and I recieved lately that to me of March 22nd, besides several papers and addresses which were delivered to me by the Earl of Orkney, and others. I transmitted some time since to the Lords of Trade by the Queen's command an account of the state of affairs in Jamaica, which was taken from those papers which I had in my hands. Their Lops. have them under consideration, but hitherto by reason of other pressing business, I suppose, which interfered, they have not made their report to the Queen. I for my own part have been in such a continual hurry during this Session that I have not been able to go to the Board of Trade to examine the disordered circumstances of your Island with them, but I hope in a little time, we shall find leasure to enter seriously into the examination of the state of Jamaica, and come to some resolutions to be laid before H.M. in order to compose the disturbances, restore a good understanding, and strengthen the Government there. And when I recieve H.M. commands, I shall not fail to communicate them to you, and to instruct you as fully as I am able upon the several heads relating to your conduct which require the Queen's orders. In the mean time I doubt not, but you will continue to pursue those measures which are most for H.M. honour, and service, and most conducing to the true interest and advantage of so important a Colony as that of Jamaica. *Signed*, Bolingbroke. [*C.O.* 324, 33. pp. 48, 49.]

June 21.

**700.** John Pery to Mr. Popple. Owing to illness cannot attend the Board for a week, *etc.* *Signed*, John Pery. *Endorsed*, Recd. Read 21st June, 1714. *Addressed*. 1 p. [*C.O.* 134, 2. No. 40.]

June 21/  
Whitehal.

**701.** Council of Trade and Plantations to Governor Lord A. Hamilton. We are now to answer your Lordship's letters of July 11th, Aug. 3rd, Oct. 27th and Dec. 26th and March 22nd, 171 $\frac{3}{4}$ . We have represented the case of John Fryday, as your Lordship had desired, upon which H.M. has been graciously pleased to pardon him, and we doubt not but that by this your Lordship will have receiv'd the signification of H.M. pleasure therein. We have consider'd what your Lordship writes in relation to the Regiment, and the defence of the Island, and upon the whole reported our opinion to H.M. (*copy enclosed*). H.M. has been pleased to order that the Regiment be broke, and two Independent Companies only to remain there, of one of which your Lordsp. is to have the command. We have under consideration what your Lordship has writ in relation to the proceedings of the Assembly, which we shall, as soon as we are able, lay before

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H.M. for Her pleasure thereupon, of which we shall not fail to give your Lordship notice. In the mean time we must acquaint your Lordship that we are glad to find the Council so unanimous in joyning with your Lordsp. in supporting H.M. prerogative against the unreasonable attempts of the Assembly; and think your Lordship did well in dissolving them. The Speaker refusing to give your Lordship the Minutes of Assembly which you are empower'd by your Commission under the Broad Seal to demand, and required to transmit home, is so great a breach of duty to H.M., that we shall not fail of representing it, as it deserves. As to the Assembly's pretence that the Council have no right to amend mony-bills; it is groundless, and will not be allowed of here. They only sit as an Assembly and are part of the Legislature, as is also the Council, by virtue of a clause in H.M. Commission to your Lordship, without which they cou'd not be elected and sit in Assembly, and consequently their assuming a pretended right no ways inherent in them, is a violation of the Constitution of Jamaica, and is derogatory to H.M. royal prerogative. If therefore upon your Lordship's acquainting them with what we now write, they should at any time insist upon that ill grounded pretence, your Lordship may inform them, that as they must not assume to themselves, the rights and privileges of the House of Commons of Great Britain; so such measures will be taken here, as may be effectual to assert H.M. undoubted prerogative in that Island. The Assembly's adjourning themselves without your leave, is another instance of their undutyfulness and disrespect to H.M., all which will be taken notice of, and proper remedies apply'd if your next letters do not inform us of their having come to a better temper. The laws, your Lordship mentions, are with Mr. Attorney General, and as soon as wé have his opinion thereupon, we shall lay them before H.M. That your Lordship may know what we have done in relation to the escheated estate of Kupius, we send a copy of our representation, *etc.* *P.S.* We have represented to H.M. that Mr. Archbould be of the Council *etc.* We doubt not but your Lordship's agent will take care of sending H.M. Order to your Lordship, as soon as H.M. pleasure shall be declared therein. [*C.O.* 138, 14. *pp.* 133-136.]

June 21.  
Inner  
Temple.

**702.** Sir Peter King to Mr. Popple. Requests that the hearing upon the Kingston Act, may be deferred till Thursday, he being retained for the inhabitants but unable to attend next day. *Signed,* P. King. *Endorsed,* Recd. 21st, Read 22nd June, 1714. *Addressed.*  $\frac{1}{2}$  p. [*C.O.* 137, 10. No. 53.]

June 21.

**703.** Earl of Orkney to [*? Lord Guildford*]. There being a vacancy now in the Council of Jamaica, I take the liberty to recomend to your Lop. and the other Lords Commissioners of Trade James Archbould brother in law to Col. Laws a man of very good interest and fortune in that countrey, and one who was formerly recommended to your Lops. by my brother as a fitting persone to be upon the Council; I know noe way soe proper to



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enable my brother to support the Queen's prerogative (which I think has been very much attacked of late) but by strenthning him with proper persons in the Councill who will act in concert with him for that end. *Signed*, Orkney. *Endorsed*, Reed. Read June 21, 1714. *Holograph*. 1 p. [C.O. 137, 10. No. 52.]

June 22.  
Annapolis.

**704.** Governor Hart to the Council of Trade and Plantations. I wrote ye foregoing letter (June 14) to be ready for the first ship, wch. carrys this, but am since honord with yr. Lodsp. commands of ye 6th Aprill, *etc.* I intend to publish the Peace to-morrow wth. all due solemnity, *etc.* *Signed*, Jo. Hart. *Endorsed*, Reed. Read 9th Sept. 1714. 1 p. [C.O. 5, 717. No. 59; and 5, 727. pp. 438, 439.]

June 22.  
Whitehall.

**705.** Mr. Popple to Mr. Attorney General. Encloses for his opinion the petition of Sir Bibye Lake, *etc.* and the charter of the Massachusetts Bay, the lands claimed seeming to be included in that charter. *Desires* answer to letter of the 10th instant as soon as possible. [C.O. 5, 913. p. 492.]

June 22.  
Whitehal.

**706.** Council of Trade and Plantations to the Queen. Recommend James Archbould for the Council of Jamaica in the room of Henry Lowe, decd. [C.O. 138, 14. p. 137.]

June 22.  
Placentia.

**707.** Lt. Governor Moody to the Council of Trade and Plantations. I beg leave to acquaint your Lordships with my safe arrivall in Placentia with H.M. forces the 21st day of May: but the dangers wee mett with in our voyage by foggs, tempests, and ice, were so many and terrabale that I will not trouble your Lordships with an account of them, but of my haveing taken possession according to the Articles of Peace, of the fort, castle, and town of Placentia, and its dependances, the 5th day of June new stile. Since which time H.M. coulers have flown here, and according to commands *etc.* I have proclaimed the Peace here, by publickly causeing H.M. Proclamation to be read for that purpose, to which I gave due honours, by firing the Ordinance, and beat of drums *etc.* The Harbour of Placentia is the securest and best I ever saw, and will hold in safety 200 sayle of ships in its basson, the beach is the largest and best, I dare say in the world to cure cod fish upon, and lies the most commodiously, haveing all other advantages necessary, rownd it for a great and profitable fishery that can be expected or desired, and some English has caught allready 200 quintalls for a boat in these parts; and not tenn quintalls for a boat has yett been caught in our old settlements, and it must be the fault of the English, if they doe not out-doe all the world in makeing the write use of the advantages and profitts of the most valluable fishery in it. But your Lordships being the best judges what may be the properest methods to make these advantages effectuall, and for improving them to the generall benefitt of trade, I shall therfore, only beg leave to offer my humble opinion herein, (which is this), that in case H.M. prerogative and authority is not fixed in these parts in a

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stronger manner upon the land, than they are in our old settlements, and some regular and constant authority and justice administered upon the spot, to those who use these parts, both in peace, and warr, the reputation and advantages which is gained to Brittain by the cession of Placentia, and its dependances, will be very much lessened and impaired, as well as the generall safety and benefitts of trade and commerce. And the French cannot be forestalled by us in forraigne marketts in their saile of cod fish, but from this place. *Professes his zeal, etc. Signed, J. Moody. Endorsed, Recd. 5th, Read 26th Augt., 1714. 1½ pp. [C.O. 194, 5. No. 49; and 195, 5. pp. 409-412.]*

June 24. **708.** Petty Expences of the Board of Trade, Lady Day to Midsummer, 1714. Stationer's Bill, and Post Office account, etc., Christmas to Midsummer. [*C.O. 388, 76. Nos. 169-174.*]

June 28. **709.** Major Douglas to the Council of Trade and Plantations. Channel row. Mr. Popple having inform'd me that the great hurry of more important affaires before your Lordships has hitherto prevented him from taking an opportunity to offer some of the papers to your Lordships' consideration, which I brought from the Leeward Islands in December last, I humbly conceive it to be for H.M. service and according to my duty to have these papers read, etc. *Signed, Walter Douglas. Endorsed, Recd. Read 29th June, 1714. 1 p. Enclosed,*

709. i. List of papers relating to the Leeward Islands *referred to in preceding. 1¾ pp. [C.O. 152, 10. Nos. 22, 22 i.; and (without enclosures) 153, 12. p. 130.]*

June 28. **710.** Major Douglas to Mr. Popple. *Encloses following, etc. Channel Row. Signed, Walter Douglas. Endorsed, Recd. 28th June, Read 15th July, 1714. Holograph. Addressed. ¾ p. Enclosed,*

710. i. Address of the President, Council and Assembly of Montserrat to Governor Douglas. *Return thanks* for his care for the preservation of the Islands, and his endeavours to rescue them from their late distresses at the hands of the enemy; also for his help towards the speedy despatch of Richard Molineux and Anthony Ravell to solicit reparation for their losses from H.M., and *pray* for his assistance therein. *Signed, Edward Parson, John Daly, Geo. Wyke, Bartho. Rees, Rd. Molineux, Geo. Liddell. Antho. Ravell, Spkr., William Finch, John Molineux, John Hartt, Joseph Sayer, Tho. Caines, William White. Same endorsement. 1 p. [C.O. 152, 10. Nos. 26, 26 i.; and (without enclosure) 153, 12. pp. 137, 138.]*

July 1. **711.** President Sharpe to Lord Bolingbroke. *Refers to Barbados.* letter of June 14. On the 17th June I review'd all the forces of the Island in two bodys; the eight following days I spent in visiting the fortifications; but forts and forces were in a miserable condition; particulars of which I will lay before your Lordship,

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as soon as the same are return'd to me, *etc.* Before, and in this progress, I had opportunitys of making my observations of the tempers of the gentlemen who have been so divided; I found those displac'd by Mr. Lowther, tho' in number, fortunes, and education they very much exceed those he thought fitt to employ, willing in earnest to come to a thorough reconciliation; on the other hand, those he left in power, at best cold, would talk of being reconcil'd, but on no other termes than engrossing all the favour of the Government; tho' not to me, yet where they would be free, one and all was their word; remove one, and all would resent it; indeed, I must do Mr. Frere this justice, that he frankly told myself, a reconciliation could not be; and to others his discourse is that Mr. Lowther's friends must not be touched. Only Mr. Horne very handsomly declared he would do anything to put an end to party. However, my Lord, I neither was, nor am yet discouraged from persuing that view still further; and therefore as the leeward troops and forts appeared much worse than the windward, tho' they were too bad, I have determined to put those troops and forts into better hands; the other I will yet keep in the hands they are, in hopes of bringing them to a good temper, and therefore I omitted mentioning their ill condition in my speech to the Council upon my return (*copy enclosed*), to try if by such gentle usage I could work upon them. By this regulation, the militia which consists of eight regiments, two of horse, and six of foot, beside the troop of guards, will be in the hands of men of best estates; four of them commanded by Mr. Frere, Mr. Maxwell, Mr. Hallett, and Mr. Horne, whom Mr. Lowther left at their head with the chief military commands, the three first as General Officers, whom I shall continue unless by their future ill behaviour they compell me to remove them; the other four regiments I shall not dispose of till next Tuesday; so many worthy gentlemen having been formerly displaced, that I have not yet determined which of them to place in those commands; but by that time, I shall. Amongst the Colonels I shall displace, Mr. Maycock will be one; a person whose conduct in the Treasury has ruined the publick credit. Against this gentleman Mr. Perry, the Surveyor General of H.M. Customs here, has presented me a memorial, supported by many affidavits, setting forth a great many violences he has been guilty of against the officers of the Customs, which I have referred to Mr. Carter, H.M. Attorney General, that proper redress may be given. Your Lordship will observe from the inclosed speech to the Council that Judge Carter living in the precincts of St. James and St. Thomas, he could not by H.M. Order made in the case of Bently and Downes be judge of that Court; neither for the same reason could Mr. Vaughan be Judge of St. Andrew's and St. Joseph's Court; Judge Alleyne was removed from the Bridge Court by Mr. Lowther, without consent of Counsel; and though he pretended to give him a hearing, he refused to let his witnesses be examined, under a pretence that they were to disprove a record; the pretended record was private orders made upon petitions out of Court in relation to irregular proceedings upon executions,



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which orders his witnesses were to prove were made by consent of partys ; the first I humbly hope your Lordship will think was arbitrary, being contrary to H.M. Instructions, which make the consent of the Council necessary on such occasions, and the last, unjust. I could, my Lord, have given many other reasons for displacing the persons put in so irregularly by Mr. Lowther ; but this being of a harsher nature, and disobedience to H.M. Orders being, in my judgement, an unanswerable one, I thought that the properest, and therefore entered no other. Mr. Vaughan has several causes depending against him in the Court of which he is Judge, and besides is a very weak man ; Mr. Carter and Mr. Sutton, the other two, have been the greatest sticklers in the Assembly against holding the late Court, and indeed all my other measures, are two of the chief leaders of the irreconcilable men, and the last of them especially concerned in many abuses under Mr. Lowther. The conduct of the Assembly in relation to the Grand Sessions, and their frequent neglecting to meet, notwithstanding my orders, and the pressing occasions of the country, determined me to part with them ; and in my progress, finding the general inclinations of the substantial inhabitants for a new election, I intend to dissolve them in a few days. In all these things, my Lord, I have the consent of the Council the 29th instant. Having such good reasons for this proceeding, in my humble opinion, I thought it more agreeable with my designs to calm men's tempers as much as I can, to give them, rather than others, which tho' as true, might be more severe. In all which I humbly hope I shall be honoured with your Lordship's approbation, *etc.* During my absence from Pilgrim upon the review, the publick prison was broke open, and most of the prisoners escaped ; This had been prevented, had the Sessions held : The new Assembly I am perswaded will consist of men more regardful of the publick good. *Refers to enclosure i.* Pardon me, if I presume to hope some censure will be thought proper to be past on such Counsellors, as so openly joyned with Mr. Lowther in countenancing his disobedience to H.M. Orders dismissing him from the Government, and honouring me with it as President : large accounts of which, with duplicates, I troubled your Lordship with soon after my arrival here ; your Lordship will be pleased to consider should such a conduct pass without some severe remark, it may be of ill consequence to this place. Mr. Salter, a worthy member of that Board, is obliged for his health to go for London by this conveyance ; I most humbly recommend him to your Lordship, *etc.* *P.S.* The Peace between H.M. and the King of Spain has been proclaimed here according to the orders I received, *etc.* *Signed,* Wm. Sharpe. *Endorsed,* Rd. Sept. 13. 4 pp. *Enclosed,*

711. i. List of gentlemen proposed by President Sharpe for vacancies in the Council of Barbadoes, June 1st, 1714.  
 (1) James Hannay, a very worthy gentleman of good parts improved by a liberal education at Oxford, of great prudence, resolution and integrity, and of a very good estate. (2) George Walker, an ingenious discerning gentleman, of very good parts, educated at Oxford, of

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great prudence, courage and integrity, of one of the best familys and estates in the Island. (3) Reynold Alleyne, a very honest gentlemen of good sense and a very great estate. (4) Thomas Beckles, a very good man, of good sense, and a good estate. (5) Othniel Haggatt, an honest gentleman of a discerning judgement and a very good estate. (6) Joseph Salmon, a very worthy old gentleman, of a general good character, and a very plentiful estate. (7) Thomas Stewart, a gentleman of good sense morals and estate, a considerable merchant. (8) Henery Peerse, a gentleman of good sense, and a great estate. (9) Abel Alleyne, an ingenious discerning young gentleman of very good parts, educated at Cambridge, of great prudence, courage and integrity, son and heir apparent of one of the best and wealthiest familys in the Island, and of a very good estate in possession. (10) William Dottin, a gentleman of good parts, improved by a liberal education at Oxford, and of a very good estate. (11) John Rouse, an honest gentleman of a very good estate. (12) Burch Hothersal, a discerning young gentleman of one of the best estates in the Island.  $1\frac{1}{4}$  pp.

711. ii. Copy of H.M. Warrant to Governor Crowe for discharging Judge Downes. Aug. 20, 1709.

711. iii. Duplicate of No. 696 iii.

711. iv., v. Duplicates of No. 712 ii. [C.O. 28, 43. Nos. 90, 90 i., ii. : and 28, 38. Nos. 89-95.]

July 1.  
Barbados.

**712.** President Sharpe to the Council of Trade and Plantations. Duplicate of preceding letter. *Endorsed*, Recd. 27th Aug., Read 8th Sept., 1714. *Enclosed*,

712. i., iii. Duplicate of No. 711 i., ii.

712. ii. Copy of President Sharpe's speech to the Council of Barbados, as to restoring Judge Alleyne, *etc.* *Endorsed as letter.*  $1\frac{1}{2}$  pp. [C.O. 28, 14. Nos. 23, 23 i.-iii. ; and (without enclosures) 29, 13. pp. 114-125.]

July 3.  
Placentia.

**713.** Lt. Governor Moody to [? Mr. Popple]. Nothing can be more evident than this, that if I had not winked at the French inhabitants catching of fish in Placentia this season (there being no English inhabitants) Placentia would have been of no benefit to the English and the six French ships who were here before I arrived, and came to carry away the inhabitants' effects and receive their debts, I have not suffered to fish, or to land any goods since my arrival ; here are also several other French ships coming daily from France for wood and water for their passage to Canada and Cape Briton, and I do not suffer them to land any goods or to trade, having publicly forbid the same to them, there is but one English vessell fishing here, and she so very late and unprepared, that she cannot catch a quarter of her loading, but at the same time there is severall sail of other English ships, most of which are come empty to purchase fish by bill,

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and many more expected as I foresaw, upon which I desire to know, in case I had not winked at the French inhabitants fishing, how any English ships could propose to have got any fish here this year, without a miracle, and to give to the merchants of England a demonstration of my conduct and care for their service and benefit, I have by this means made the French inhabitants their tools, not allowing them to sell their fish to the French ships as they intended to do, under colour of paying their debts, but to the English, neither shall the French ships load here with fish, so that I have turn'd the tables upon the French designs of reaping much benefit by fishing here this year, for their fish shall be carried to market in English bottoms, which had I lett the French inhabitants into my design at first, they would not have catch'd a fish, neither would any of them have become subjects to Britain, and all the English ships who are come hither for fish must have gone away empty, to the unspeakable loss and disappointment of their owners, and I have judg'd it the properest time to acquaint the French by public notice with my design in the middle of the fishing season, that those who will not become subjects, and swear allegiance to the Queen and Crown of Great Britain, shall fish no more, which will oblige many of them to become subjects to England, and by their labour the English ships will be supply'd with fish which they could not possibly have been by any other means there being no fish yet catch'd in our old settlements. I am inform'd that there is three or four French ships fishing in some by places about fifteen leagues from this place, and I am now dispatching Captain Taverner away in the transport ship I have detain'd for him in search of them, and I send some soldiers with him, and I have ordered him to demand of them by what authority they fish there, and to bring the masters of the ships here to give me an account of their doings; and I desire I may have Instructions how I am to act in such cases, for I think it too desperate to seize their ships till I have orders for it; I have proclaim'd the peace with Spain. *Signed*, J. Moody. *Endorsed*, Recd. Read Aug. 13, 1714. 4 $\frac{3}{4}$  pp. [*C.O.* 194, 5. No. 47; and 195, 5. pp. 397-400.]

July 3.  
Placentia.

**714.** Lt. Governor Moody to the Council of Trade and Plantations. Since I closed my letter of June 22, *etc.*, I have received your packett of Aprill 6th for proclaiming of the Peace with Spain, from Capt. Taverner, and accordingly have proclaimed the same in the best manner. *Signed*, J. Moody. *Endorsed*, Recd. 5th, Read 26th Augt., 1714. 1 p. [*C.O.* 194, 5. No. 50: and 195, 5. pp. 412, 413.]

July 7.

**715.** Sir John Bennett to the Council of Trade and Plantations. On behalf of his brother, Capt. Bennett, renews his application to the Board to recommend his case to the present Governor of Bermuda, so that he may prevail with the Assembly to pay the debts owed to him by the Island. *Requests* the Board to send to Lt. Governor Pulleine a copy of their order for the allowance to Capt. Bennett of halfe the profits of the offices to



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Capt. Jones' deputys who did officiate for him. Jones does now sue Capt. Bennett in Chancery before the present Governor for the whole profits of his offices ever since his first suspension suggesting that Capt. Bennett had received them, although he did not, *etc.* Signed, Jo. Bennett. Endorsed, Recd. 8th July, Read 30th Augt., 1714. 1½ pp. [C.O. 37, 9. No. 30.]

July 10.  
Whitehall.

**716.** Lord Bolingbroke to the Council of Trade and Plantations. *Refers following for their report.* *Continues* :—It is the Queen's pleasure that your Lordps. should give an account of the advices you have concerning this matter, if you have received any, that you should consider the nature of the traffick complained of, state the obligations we are mutually under in that respect by Treaty or otherwise, and report your opinion upon the whole, that I may lay it before the Queen, and receive H.M. commands for the direction of the Governors in those parts of the West Indies. Signed, Bolingbroke. Endorsed, Recd. 10th, Read 23rd July, 1714. 1½ pp. Enclosed,

716. i. Extract of letter from Monsr. de Pontchartrain to Monsr. d' Iberville. June 27, 1714. The King has been inform'd that the Sieur Vanbroke (*Vanbrugh*), Commander of the English ship the *Sorlings*, having anchored at Martinico the 15th of March last upon pretence of having a letter from the Governor of Barbados to Monsr. de la Malmaison, who is commander in chief of the French Windward Islands in the Governor General's absence, the said Monsr. de la Malmaison acquainted the Captain that he had the King's orders not to suffer any foreign ship in the Roads longer than two days except they should want assistance; that the ship *Sorlings* being in a good condition, and in want of nothing, he desir'd the Captain to take his measures for returning back. He repeated the same several times to the Captain who refused to sail away, and remained there till the 9th of April contrary to Mr. de la Malmaison's orders, who would not oblige him to do it by force, to avoid breaking the good intelligence between the two Crowns, tho' he knew that that ship was there only to carry on a private trade and to favour that of several English barks, wch. coasted round the Island. English ships and barks come every day to Martinico loaded with goods, who desire leave to anchor there upon sevl. pretences, and in the night time put on shoar the goods and merchandizes with which they are loaden contrary to the regulations and orders of his Maty. by which all sorts of trade is forbid to foreigners in his Colonies. Those prohibitions are reciprocal; and if French ships should carry any goods into the English Colonies they would be confiscated. As this trade of the English in our Islands (which they are so fond of) is very prejudicial to the French trade, his Maty. has given orders to the Governors to cause all foreign ships

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and barks, that shall come thither for the future, to be seized and confiscated, and to prevent the disorders wh. may thereby arise, his Maty. out of a good intention to preserve the good Union, desires that you will inform the Queen of Great Britain thereof, that H.M. may be pleas'd to give her orders forbidding her subjects to go with any ships or barks to the French Islands, and that Capt. Vanbrok may be reprimanded for his proceeding at Martinico. 2½ pp. [*C.O.* 388, 17. *Nos.* 32, 32 i.; and 389, 24. pp. 316-319.]

July 11.  
Annapolis.

**717.** Governor Hart to Lord Bolingbroke. I did myselve the honour to write to your Lordship on my arrivall here, and then acquainted your Lordship that the Assembly was to meete on June 23rd, which they did—sate eleaven days made five laws and then were prorogued to Oct. 5th. *Refers to Journals for particulars.* I have renew'd the treatys of peace and amity with several Indian Nations in H.M. name. The Indians are but few in number, well inclin'd to the English; but their Emperour Ashquas has left them and gone to the Northern Indians. I can't learne the true reason of his departing from so many nations (or rather familys) he commanded. But our Indian friends say it was because he could not move them to make warr on the English, and they are unanimous in their resolution never to receive him nor any that are enemy to the English. There has no rain been here since March 13th, (two small showers excepted) so that all the tobacco is burnt up, by which H.M. will be a great looser in the Revennue, and this Province become yet more miserable than it now is; for the planters are all in debt to the mercht., and many for more than they are worth. I think it my duty to acquaint your Lordp. that if some method be not taken to encourage the planting tobacco, Great Brittain will in a few years loose the benifit of that trade once so profitable to the Crowne. For the inhabitants finding themselves dayly worse and worse by making tobacco, they now raise stocks of cattle and sowe much graine, for which they finde a ready markett to Jamaica, Barbados, the Leeward Islands, and even in Portugall. And a further mischief is that for want of a price for their tobacco, they are fallen in the way of cloathing themselves (which formerly they did from England) to the great detriment of ye woollen trade. I cannot be so particular by this ship not being yet thoroughly inform'd of the state of this province. *Signed, Jo. Hart.* 2 pp. [*C.O.* 5, 720. *No.* 20.]

July 12.  
London.

**718.** Earl of Orkney to Lord Guildford. Being informed that Col. Frances Oldfeild is laitly come frome Jamaica with his family who is one of the Councill there, I take the liberty to recomend to yr. Lop. and the rest of the Lords, Doctor Richard Tabor, minister of St. Cathrines the residence of the Governours of that Island, a fellow of long standing in Oxford, a man of learning and good life, to be put upon the Councill. I am told that Col. Edmund Edlyne has been absent above these foure

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years, soe that I beleeeve it would be necessary to fill up his place. I hear that Major John Ayscough formerly of the Councill desires to return very soon, and hopes to be restored, I hear a very good character of him, soe I wish your Lops. wou'd approve of him, it's probable by the help of these Gentlemen the Govr. may be enabled to serve H.M. more successfully, and be better able to execute yr. Lops'. commands, which is the reason of my giving your Lops. this trouble. *Signed*, Orkney. *Endorsed*, Recd. Read 13th July, 1714. *Holograph*. 2 pp. [C.O. 137, 10. No. 54.]

July 13.  
Boston,  
N. England.

**719.** Governor Dudley to the Council of Trade and Plantations. *Encloses following*, "whereby the thrifty expenditure of H.M. stores will appear." *Signed*, J. Dudley. *Endorsed*, Recd. 1st Oct. 1714, Read 25th June, 1718.  $\frac{3}{4}$  p. *Enclosed*,  
719. i. Account of stores of war at Castle William, Boston, 24th June, 1714. *Endorsed*, Recd. 1st Oct. 1714. 1 p.  
719. ii. Account of stores of war at Fort Anne, Winter Island, Salem, 24th June, 1714. *Endorsed as preceding*. 1 p.  
719. iii. Account of stores of war at Marblehead, 24th June, 1714.  $\frac{3}{4}$  p. *Same endorsement*.  $\frac{3}{4}$  p.  
719. iv. Account of powder expended at Marblehead, 24th June, 1713-1714. *Same endorsement*.  $\frac{1}{2}$  p.  
719. v. Account of stores of war at Fort William and Mary in Newhampre., 26th June, 1714. *Same endorsement*. 1 p.  
719. vi. Account of powder etc. expended and remaining in New Hampshire, 24th June 1713-1714. *Same endorsement*. 2 pp.  
719. vii. Account of powder etc. expended at Castle William, Boston 24th June, 1713-1714. *Same endorsement*. 1 p. [C.O. 5, 866. Nos. 154, 154 i.-vii.; and (without enclosures) 5, 915. pp. 135, 136.]

July 14.  
Nevis.

**720.** Lt. Governor Smith to [? the Earl of Dartmouth]. The Most Christian King's Commander in Chief att Martinique having refused to deliver the prisoners that Monsieur Deberville took hence for hostages in Aprill 1706 without an order from the King his master, I thought it my duty to acquaint your Lordship thereof, and to enfold to you *enclosed* that they may be lay'd before H.M. in Councill for tho' those poor gent. have now their liberty to walk with a souldier yett they ar still kept from their familys and estates to their own great loss and a severe charge to this Island. May therefore your Lordship compassionate their case and represent it to H.M., that some means may be effectually used for their discharge. *Signed*, Dan. Smith. *Endorsed*, Rd. 30th Aug. 1 p. *Enclosed*,

720. i. Lt. Governor Smith to the Governor of Martinique. Nevis, June 29, 1714. Demands release of the prisoners from Nevis in accordance with the 23rd Article of the Treaty of Peace, "I have sent up a sloop with money for the discharge of their debts," etc. *Signed*, Dan. Smith. *Copy*. 1 p.



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720. ii. M. de la Malmaison to Lt. Governor Smith. Fort Royal, Martinique, July 10 (N.S.), 1714. *Reply to preceding.* I cannot release these hostages until I receive orders to do so from the King my master, following upon the decision of the Commissaries now sitting at Basle, etc. *Signed*, [S. de ?] Malmaison. *French.* 3 pp. [C.O. 184, 1. Nos. 30, 30 i., ii.]

July 15.  
Barbados.

**721.** President Sharpe to Lord Bolingbroke. Encloses following and Minutes of Council and Assembly of Barbados. *Signed*, Wm. Sharpe. 1 p. *Enclosed*,

721. i. Capt. Coward's receipt for above papers. *Signed*, Edward Coward, July 15, 1714. 1 p.

721. ii. Copies of Acts of Barbados, July 6, 1714, (a) to pay public debt due to Dr. Patrick Home, (b) to John Sadlier. 4 pp. [C.O. 28, 38. Nos. 96, 96 i., ii.]

July 16.  
Whitehall.

**722.** Mr. Popple to Mr. Attorney General. Presses for reply to June 10. [C.O. 324, 10. p. 48.]

July 16.  
Whitehal.

**723.** Council of Trade and Plantations to the Queen. *Quote* Attorney General's opinion (June 8) upon Act of Jamaica for the relief of the inhabitants of Kingston. We find by the Minutes of Council of Jamaica, Feb. 17th last, that Council had been heard for and against the Bill, before the passing thereof. We have heard Sir Charles Orby against the Act and Col. Laws for it by their Council. We take leave to report to your Majesty, that some of the allegations mention'd in the Act have not been made out; particularly it did not appear to us, but that Sir W. Beeston had a right to dispose of the land between Harbour Street and the sea. That the freehold was never out of Sir W. Beeston, no conveyance to that purpose having been produced to us, that the proclamation does not extend to a disclaimer of Sir Willm's. title. And he having declined the agreement with Mr. Laws in behalf of the Government for 1,000*l.*, and sold only particular lotts to private persons, it appears he had yet a good title to all that was not expressed in those several agreements. The persons building those houses and claiming under Sir William, were not molested in ten years, nor even when the hurrican had almost ruined them were they obstructed in the repairing them, nor is any compensation given them by the Act. Had Sir William had no right to build, these houses might have been pulled down by order of the courts of law on equity, but no suit hath ever been commenced concerning them. Neither hath it been proved to us, that the said houses are any detriment to the Town, convenient passages being left for the going to or coming from the sea. For which reasons we humbly offer that your Majesty be pleased to signify your disapprobation and disallowance of the said Act. [C.O. 138, 14. pp. 138-144.]

July 18.  
Whitehall.

**724.** [Memorandum of a letter from] Mr. Popple to Col. Douglas and Col. Jory asking for their observations upon the

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XIth Article of the Treaty with France, in relation to Montserrat and Nevis. [*C.O.* 153, 12. *p.* 138.]

July 20.  
Whitehal.

**725.** Council of Trade and Plantations to the Lord High Treasurer. Request payment of enclosed account of office expenses and salaries, Christmas, 1713—Midsummer, 1714. [*C.O.* 389, 37. *pp.* 75–78.]

July 20.  
Virginia.

**726.** Lt. Governor Spotswood to the Council of Trade and Plantations. *Acknowledges* letter of 6th April “with the Treatys of Peace and Commerce which I have accordingly made publick. It is with great satisfaction that I can acquaint your Lordps. that this country enjoys a perfect Peace, and that even the Indians since the last Treaty made with them have not offered the least disturbance, notwithstanding the Tuscaruros induced thereto (as they say) by the people of Carolina, have departed from the agreement with this Government, and gone to settle once more in that Province. I continue still resolved to settle out our Tributary Indians as a guard to the frontiers; and in order to supply that part which was to have been covered by the Tuscaruros, I have placed there a number of Protestant Germans, built them a fort and furnish’t it with two pieces of canon, and some ammunition which will awe the stragling partys of Northern Indians, and be a good barrier for all that part of the country. These Germans were invited hither some years ago by the Baron de Graffenried, who had H.M. letter to the Governor of Virginia to furnish them with land upon their arrival. They are generally such as have been employed in their country as miners, and say they are satisfied there are divers kinds of minerals in those upper parts of this country where they are settled, and even a good apperance of silver oar, but that ’tis impossible for any man to know whether those mines will turn to any account without digging some depth in the earth, a liberty I shall not give them untill I receive an answer to what I represented to your Lordps. concerning the ascertaining H.M. share, which I hope by your Lordps. interposition will be speedily signified.” *Refers to enclosures*, “upon which I shall only give your Lordps. the trouble of one remark, that finding the Government of Carolina continuing to make surveys within and even beyond the contraverted bounds, and that on their encouragement great numbers of loose and disorderly people daily flock’d thither who would be restrained by no orders from trading with the Indians, I proposed to that Government the running both the lines in dispute, and removing all persons that had settled between those boundarys as being seated there without any lawfull authority: and because it would be most convenient that each Government should be at the expence of running that line next to its own inhabitants, I undertook the running that boundary next to Virginia which the Proprietors claimed, at the charge of this Government, provided they would be at the charge of running the other claim’d by H.M.; but tho’ (in pursuance of the resolution of the Council in that matter 30th March last) I have already performed my part,

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the President of Carolina alledging for his excuse the expectation of a new Governor, did not think fitt to take any measures for performing theirs. I have since seen Mr. Eden who is appointed Governor of that Province, and find that he has no manner of Instruction from the Proprietors concerning the boundarys; and as to the proposal of marking out the Southern boundary, he has delayed giving me an answer, untill upon consultation with his Council he shall inform himself of the nature of that dispute. [If] he should likewise refuse, I have determined to run that line also as soon as the woods are practicable, and then to remove all the people seated within those contraverted bounds, which will be the most effectual way to bring that dispute to a speedy determination, it being now the interest of that Government to delay it, since by disposing of the land and recieving the quitt-rents they reap the same advantage, as if it were actually adjudged to be their property; and so unfair hath Mr. Moseley and the other Surveyors of that Province been that tho they pretend no further than a West line from the mouth of Nottoway River, yet upon marking out that line I find severall people seated even to the Northward of it who hold their lands by Carolina patents. It was but the beginning of last month that I received the new seal," etc. I have caused the former seal to be broke and send it by this conveyance; but as there are many things by particular Acts of Assembly appointed to pass under the seal of the Colony for which the fees are very inconsiderable, and are therefore writt on paper, to which this seal cannot be affixed without the danger of tearing off in a short time; it were to be wished that H.M. would be pleased to allow a lesser seal or signett, to be used for matters of small consequence, which would be less chargeable to the Secretary that keeps it, and most proportioned to the present fees, which the people will very unwillingly be brought to increase. I here inclose the accompts of the Revenues of quitt-rents and 2s. per hogshead as they were made up last year, by which your Lordps. will observe how much the latter Revenue falls short of discharging the expence of the Government occasioned by the little encouragement there has been given for the exportation of tobacco; this year seems as little favourable to that Revenue, by the bad prospect of the cropps which a long continued drought for these three months has rendered very impoverishing hitherto. And if there should happen no rain in a week more there will be a great danger of a scarcity of corn, for which reason I have put a stop to the exportation thereof. *Signed, A. Spotswood. Endorsed, Recd. 1st, Read 14th Sept., 1714. 3 $\frac{3}{4}$  pp. Enclosed,*

726. i. Account of H.M. Revenue of quit-rent of Virginia, April 25, 1713-1714. *Totals; Receipts 2,145l. 6s. 1 $\frac{1}{2}$ d. Expenditure, 1,289l. 11s. 0 $\frac{1}{4}$ d. Endorsed as preceding. 1 p.*

726. ii. Copy of Proclamation for publishing the Peace with Spain. *Signed, A. Spotswood. Williamsburgh, June 16, 1714. Same endorsement. 1 p.*

726. iii. Copy of Proclamation enlarging the liberty of taking up land on the Southern frontier of Virginia. *Signed,*



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A. Spotswood. Williamsburgh, June 16, 1714. *Same endorsement.* 1 p.

726. iv. Accompt of H.M. Revenue of 2s. per hhd. in Virginia, April 25, 1713–1714. *Totals* : Receipts 3,206*l.* 14*s.* 11¼*d.* Expenditure 4,651*l.* 11*s.* 1¾*d.* *Same endorsement.* 1 p. [*C.O.* 5, 1316. Nos. 111, 111, i.-iv. ; and (without enclosures) 5, 1364. pp. 58–65 ; and (duplicates of ii., iii.), 5, 1341. Nos. 21, i., ii.]

July 22.  
Whitehall.

**727.** Lord Bolingbroke to the Council of Trade and Plantations. H.M. having thought fit to direct the Gentlemen appointed to treat with the Commissarys of France, to prepare themselves forthwith to discuss with the latter, the several points referred to Commissarys by the XIth Article of the Treaty of Peace with the most Christian King, and also to negotiate and agree with them the manner of settling those matters which are by the Xth and XVth Articles to be discuss'd by Commissarys and which seem necessary to be adjusted in America, *you are* to consider these heads of business and prepare such Instructions for the abovemention'd Gentlemen, as you shall judge proper for their guidance in the negotiation of them. Your Lordps. will likewise please to inform the merchts. and partys concern'd in the aforesaid Articles of the steps wch. are taken for adjusting their interests. *Signed*, Bolingbroke. *Endorsed*, Recd. 23rd, Read 28th July, 1714. 1½ pp. [*C.O.* 388, 17. No. 34 ; and 389, 24. p. 323.]

July 22.

**728.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to June 10th.* I do most humbly certifie to your Ldps. that as to such [*temporary*] laws, which are made in H.M. Plantations, not granted in property to any subject, the mischief complained of, may be prevented by H.M. Instructions to Her Governors thereof. And there is already among the Instructions a full Instruction for that purpose, and therefore all that I conceive necessary to be further done as to them is to require a due observance of that Instruction by H.M. Governors. As to laws to be made in the Proprietary Plantations, I am of opinion that mischief cannot be remedied there, but by Act of Parliament of Great Britain, for that the Proprietors thereof have a right vested in them, of the power of making laws granted by their charters, and are not, nor can now be put under any other restraint or regulation than such as are contained in their respective Charters, but by Act of Parliament. As to Pensylvania, directions were given for perfecting the agreement with Mr. Penn, and for preparing an Act of Parliament to supply his incapacity, and to alter the method complained of as to temporary laws, and the time limited for transmitting and approving laws made there, but during the last session of Parliament, a Bill for that purpose could not be settled, in regard of some differences between the mortgagees and Family of Mr. Penn. I observe that there is not any obligation by Charter to return the laws made in the Proprietary Plantations of Connecticut and Rhode Island for H.M. approbation, and therefore there will also want an Act of

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Parliament to oblige them to transmitt their laws and to have them submitted to H.M. approbation. *Signed*, Edw. Northey. *Endorsed*, Recd. 23rd July, Read 27th Aug. 1714. 2 pp. *Enclosed*,

- 728. i. Copy of the clauses of H.M. Commission to Governors, empowering them to pass laws.  $3\frac{1}{2}$  pp.
- 728. ii. (a) Extract of Mr. Penn's Patent relating to the passing laws in Pennsylvania, and transmitting them for H.M. approbation or disallowance. (b) Extract of the Charter of the Governor and Company of Connecticut relating to the passing of laws. (c) Extract of the Charter of the Governor and Company of Rhode Island relating to the passing of laws. *The whole*  $3\frac{1}{8}$  pp.
- 728. iii. Extract of the Charter of the Massachusetts Bay relating to the passing of laws and transmitting them hither for H.M. approbation or disallowance.  $2\frac{3}{4}$  pp.
- 728. iv. Duplicate of Representation Jan. 15, 17 $\frac{1}{4}$ . [*C.O.* 323, 7. Nos. 35, 35 i-iv.; and (*without enclosures*) 324, 10. pp. 58-60.]

July 22.

**729.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to July 18, 1713.* I am of opinion the Acts of Jamaica *for regulating fowling and fishing ; for better securing the estates of orphans etc. ; and for preserving the public records, etc.*, may be proper for H.M. confirmation. And as to the Act *to incourage white men to settle, etc.*, I am of opinion it is a beneficial law to that Island, and there does not seem to be any objection against any part thereof, except the latter part wherein it is taken notice of, that goods, wares, and merchandizes are frequently purloyned stoln and embezelled by persons that ply in sloops, canoos, and boats, that carry the same for hire *etc.*, for prevention whereof, it is enacted, that any person thinking himself aggrieved or any one in his behalf may on application to any Justice of Peace have a warrant for any person belonging to any such boat or wharfe where goods are suspected to be purloyned, to bring them before a magistrate, and there to oblige them to swear what goods, and how much were so purloyned, stoln or embezelled, and if he shall refuse to take such oath, he is to forfeit 20*l.*, and if he be convicted by such confession on oath, he is to forfeit double the value of the goods so purloyned *etc.*, which seems contrary to natural justice to oblige a man to answer upon oath to accuse himself of a crime. And if the subsequent clause hereafter mentioned were not in the Act, for this reason, the Act would not be fit to be confirmed. But in regard there is a clause by which it is provided, that such confession on oath, shall not be given in evidence to charge any person with felony, or in any action at law, or in any other matter, than to make such person liable to such forfeiture, I think that Act may be fit to be approved by H.M. And as to the Act, *to prevent hawking and disposing of goods clandestinely*, I am of opinion that law is fit to be rejected, for it prohibits the selling in open market any sort or sorts of goods whatsoever, other than plantation provisions, fresh fish,

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and live stock, whereby markets wherein it is lawfull to sell other sorts of goods and wares, which may lawfully be and are usually sold in markets are in a manner destroyed, And it is not within the mischeif designed to be remedied by that Act which was hawking and selling from place to place; And for that all persons are thereby prohibited within 10 miles of any town in that Island to buy up to sell again any manner of plantation provisions or live stocks whatsoever, which is not reasonable. And for that the inhabitants of a particular parish, to wit, the parish of Vere in that Island are restrained from supplying any other place or parish with any small stock, vizt., hoggs, turkies, ducks, and dunghill fowl, but what the seller raises himself, which is unreasonable, to distinguish them from other parts of the Island. And as to the Act, *declaring what persons shall be qualified to sit in Assemblies*, whereby it is enacted that no person shall be capable of being elected a member of the Assembly, that has not in his own right, or in right of his wife, a sufficient freehold in lands or houses of 200*l.* per ann., or that hath not on his freehold, which shall consist of 300 acres at least, some sugar work, indigo, cotton or ginger work, or some other plantation of penn of cattle, with at least 50 of his own slaves on such plantation, for which he pays tax, I am of opinion that this law is not fit to be confirmed in regard that as the Assemblys subsist by H.M. Commission, and powers therein granted to the Governor of that Island, the qualifications of the Assembly men, and also of their electors may be regulated in like manner by H.M., as she shall think fit, and I apprehend also that the requiring 200*l.* per annum to be the qualification for an Assembly man in that Island, is too much. And as to the Act to *disinable any member of the Council or of the Assembly from acting as Commissioner for receiving any publick money raised or to be raised by the Governor, Council and Assembly, and to disinable any such Commissioner to be a Member of the Council, or of the present or any future Assembly of this Island*, whereby the Members of the Council, and the Members of the Assembly are disabled to be Commissioners for any publick money, to be raised by any act of Assembly past, or hereafter to be past, not being sufficiently informed of the moneys payable by virtue of Acts already past, and the methods of collecting the same, I cannot give any opinion of the conveniency or inconveniency of this law. But if the Collectors thereof or Commissioners for the same, are to be appointed by H.M. direction or by Her Governor, this matter, if H.M. shall see reason, may be done by H.M. Instructions to her Governor, and therefore there will be no reason for H.M. to be restrained, as by this Act is proposed. *Signed*, Edw. Northey. *Endorsed*, Recd. 23rd July, 1714, Read 26th Sept. 1717. 3 $\frac{3}{4}$  pp. *Enclosed*,

729. i. Duplicate of July 18th, 1713. [*C.O.* 137, 12. *Nos.* 63, 63 i.; and (*without enclosure*), 138, 15. pp. 301–307.]

July 23.

**730.** Mr. Popple to Mr. Carkesse. *Desires* to know whether the Commissioners of Customs have any account of the affair



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of the *Sorlings* at Martinico (v. July 10th), and to have copies of Instructions given to Naval officers in Barbados and the adjacent islands for preventing clandestine and illegal trade. *Similar* letter to Mr. Burchett, Secretary of the Admiralty. [C.O. 389, 24. p. 319.]

July 23.  
Boston.

**731.** Governor Nicholson to Lord Bolingbroke. *Refers to letter of April 23.* I was then in hopes to have gone very soon after to Annapolis Royal, but the great difficulties I mett with in examining and stating Col. Samuel Vetch's accounts, and my being very ill, was the reason of my stay here so long, but I hope God willing in a day or two to goe thither, and from thence to Placentia, from which places I shall endeavour according to my duty to give your Lordp. a true account [of] affairs. By this opportunity I transmit to the Rt. Honble. the Board of Ordnance, and Mr. Auditor Harley, some accounts of Coll. Vetch's, concerning the Ordnance *etc.*, in which I am humbly of opinion that he hath wrong'd H.M. in those accounts and I think he hath done the same in all others I have not yett been able to examine into, but find I can't be able fully to examine, and state his whole accounts till I have been at Annapolis Royal. There hath been sent hither, and industriously spread, false, scandalous and malicious pamphlets *etc.*, but I have endeavoured what in me lies to hinder their taking the ill effect, which I suppose was designed by their being sent, and one measure I have taken, was to have printed from time to time, all the good news I could meet with the last of which I herewith humbly transmitt to your Lordp. and I have sent some of them to the several Governors on the Continent, as also to Bermudas, and Newfoundland, and I most humbly propose to your Lordp. that there may be sent to all H.M. Governors, on the Continent, and others, some of the best books, or otherwise, that are writt in defence of H.M., and the present Ministry, and that the Governors be obliged to dispense them and where there are presses, to have a number of them printed, *etc.* Signed, Fr. Nicholson. 2 pp. [C.O. 5, 752. No. 5.]

July 27. **732.** Mr. Popple to Mr. Burchett and Mr. Carkesse. *Presses for replies to July 23.* [C.O. 389, 24. p. 320.]

July 27.  
Admiralty  
Office.

**733.** Mr. Burchett to Mr. Popple. *Reply to July 23.* The Lords Commissioners of the Admiralty have no other account of the matter (H.M.S. *Sorlings*). By the 40th Article of the printed Instructions to the Captains of H.M. ships they are expressly restrained from taking any merchandize on board them. As for the Instructions wch. Capt. Vanbrough receiv'd from the Lords of the Admiralty for proceeding to, and attending on New York, I send you herewith a copy of that paragraph in those Instructions, by wch. in the winter season he is order'd to convoy our trade to Barbadoes and the Leeward Islands, but even in the doing thereof as well as in all other respects, he is required to follow the orders of the Govr. of New York, and if he has sent the ship

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to the French Islds. so as to give her Commander an opportunity of trading there (contrary to his Instructions) or of countenancing merchant vessels in the doing thereof, it is without the privity or knowledge of my Lords of the Admiralty, nor have their Lordps. received any account from Capt. Vanbrugh himself or any other person, relating to this affair. *Signed*, J. Burchett. *Endorsed*, Recd. 28th, Read 29th July, 1714. 2 pp. *Enclosed*,

733. i. Copy of 40th Article of Instructions to Captains of H.M. ships. No officer of any of H.M. ships shall carry on board any of H.M. ships any kind of merchandize, etc. 1 p.

733. ii. Extract of Instructions to Capt. Vanbrugh, H.M.S. *Sorlings*. You are to convoy merchant ships in the winter from New York to Barbados etc. and protect the trade of H.M. subjects as you shall receive orders from the Governor of New York, etc.  $\frac{3}{4}$  p. [C.O. 388, 17. Nos. 36, 36 i., ii.; and (without enclosures) 389, 24. pp. 326, 327.]

July 27. **734.** Sir John Colleton, one of the true and absolute Lords Proprietors of Carolina, to Nicholas Trot. Appoints him his deputy to represent him in the General Assembly of South Carolina. *Signed*, J. Colleton. [C.O. 5, 290. p. 74.]

July 28. **735.** Mr. Carkesse to Mr. Popple. *Reply to July 23.* Encloses Custom ho. following papers from Mr. Lane "who acts for the Collector of Barbados, etc. by which it appears that Capt. Vanbrugh brought some wine and brandy from Martinico to Barbados, and that the same were seiz'd and condemn'd by the officers of the Customs there. But the Commissioners (of Customs) have received no account of the illegal proceedings from the Naval Officer, neither has he any Instructions from them," etc. *Continues*:—Upon this occasion I am to enclose you the Memorial of the said Lane to Governor Lowther, with several affidavits and extracts of two letters from Mr. Helden who acted for the Surveyor Genl. relating to the opposition given him by Col. Maycock Treasurer of the Island, particularly in the seizing two hogsheads of wine imported from Martinico contrary to the Acts of Trade and Navigation, and the Commissioners desire their Lordships would please to be a means that the officers of the Customs may have the assistance of the Governor, Treasurer and other officers of the Island in putting the laws of Trade and Navigation in force in the said Island in the performance of their duty for the future. *Signed*, Cha. Carkesse. *Endorsed*, Recd. 28th, Read 29th July, 1714.  $1\frac{1}{4}$  pp. *Enclosed*,

735. i. Instructions of Edwd. Perrie, Surveyor General of Barbados and the Leeward Islands. *Copy*.  $6\frac{1}{2}$  pp.

735. ii. Deposition of William Gordon, rector of St. George's. Barbados, Feb. 1, 1713. The Treasurer of the Island, Tho. Maycock, granted deponent a licence to land a hogshead of clarett from Martinique upon paying the country duty. John Lane, Deputy. Collector, seized

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- it and another for the Queen. But Alexander Forester, a liquor officer who had endorsed the Treasurer's permit, prevented him, *etc.* *Signed*, W. Gordon. 1 p.
735. iii. Extracts of letters from John Helden, Deputy Surveyor General of Barbados and the Leeward Islands. Barbados, March 10, 1713, and St. Kitts, April 14, 1714. Governor Lowther encourages the Treasurer of Barbados in granting permits daily to land wine and brandy from Martinique, and does nothing to support Mr. Lane or his officers in doing their duty. The Attorney General and magistrates delay Mr. Lane, so that he cannot obtain a writ to take up the offenders. They fear to disoblige the Governor, who is the Treasurer's particular friend. The Governor promised me to determine the matter, but does nothing, *etc.*  $1\frac{3}{4}$  pp.
735. iv. Deposition of Richard Kennedy, Edward Rundell, and William Maxwell, Custom-house Watermen. Barbados, Jan. 28, 1713. *Corroborate No. 1. Signed*, Richard Kennedy, Edward Rundell, William Maxwell. *Endorsed*, Reed. 26th June, 1714, in Mr. Lane's letter, April 27, 1714. *Copy.*  $1\frac{1}{2}$  pp.
735. v. Deposition of John Sharpe, Custom-house Searcher. Barbados, Jan. 28, 1713. *Confirms No. 1. Signed*, John Sharpe. *Endorsed as preceding. Copy.*  $1\frac{1}{4}$  pp.
735. vi. Deposition of John Hinton, Custom-house Waiter. Barbados, Jan. 27, 1713. *Confirms No. 1. Signed*, John Hinton. *Endorsed as preceding. Copy.* 1 p. [C.O. 388, 17. Nos. 35, 35 i.-vi.; and (without enclosures) 389, 24. pp. 328, 329.]

July 28.  
Whitehall.

**736.** Mr. Poppo to William Potter, Secretary of the Hudson's Bay Company. H.M. having directed the Council of Trade and Plantations to prepare Instructions for Her Commissarys who are to discuss with those of France upon the Xth and XIth Articles of the Treaty of Peace, they send you a copy of the said Articles, and desire the Hudsons Bay Company to bring them on Tuesday next in writing what they have to offer on the said Article.

*The like letter was writ to Mr. Dummer, Col. Vetch, Col. Lodwick, with the Xth and XVth Articles, as also to Col. Douglas, Col. Jory, Genl. Hamilton, Sr. John St. Leger, and Mr. Pery, Secy. to the African Company, with the XIth Article. [C.O. 389, 24. p. 324.]*

July 30.  
Whitehall.

**737.** Council of Trade and Plantations to Lord Bolingbroke. *Reply to July 10. Refer to correspondence July 23—28th. Continue* :—By the 5th and 6th Articles of the Treaty of Peace and Neutrality in America concluded between France and England the  $\frac{6}{16}$ th day of Nov. 1686, the subjects inhabitants *etc.* of each Kingdom are prohibited to trade and fish in all places possess'd, or which shall be possess'd by the other, in America; and that if any ship shall be found trading contrary to the said Treaty, upon due proof shall be confiscated. But in case the



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subjects of either King shall be forc'd by stress of weather, enemies or other necessity into the ports of the other in America, they shall be treated with humanity and kindness ; and may provide themselves with victuals and other things necessary for their sustenance and reparation of their ships at reasonable rates. Provided they do not break bulk, nor carry any goods out of their ships, exposing them to sale nor receive any merchandize on board under the penalty of confiscation of ship and goods. *Quote* Capt. Vanbrugh's Instructions (*v.* July 27th). It does not appear to us that he had any direction from the Governor of New York (whose orders he was to follow) to go upon any account to Martinico. By the papers we have receiv'd from the Custom-house we find that there has been illegal trade carry'd on between Barbadoes and Martinico and particularly that Capt. Vanbrugh brought some wine and brandy from Martinico to Barbadoes, which were seiz'd and condemn'd by the officers of the Customs there. Upon this occasion we beg leave to take notice to your Lordship of the opposition given by Col. Maycock, Treasurer of the Island and others, to the officers of the Customs in the execution of their duty. *Refer to No. 735.* Upon the whole we are humbly of opinion, that the Captains of H.M. ships ought not to receive on board any merchandize of what kind soever nor ought they according to the abovementioned Treaty, either to trade themselves, or to protect other ships trading to any of the French settlements in America, nor the French be allow'd to trade to ours.

*Enclosed,*

737. i. Copy of No. 735 iii. [*C.O.* 389, 24. pp. 331-334 (*covering letter only*) ; and (*enclosure only*) 28, 38. No. 97.]

[1714.] **738.** Petition of Michael Ayon to the Queen. Prays to be recompensed for his charges and time in attending to give evidence concerning the murder of Governor Parke, now three years *etc.* Petitioner has been at 500*l.* charge besides loss of time *etc.* 1 p. [*C.O.* 152, 40. No. 1.]

[1714.] **739.** [*? Bishop of London to the Queen.*] (*Cf.* April 24, 1714.) There being a good disposition in several persons in the Island, Barbados, either to build new churches, or endow such as are already built, if Her Majesty will be pleased to grant such a patent, as shall empower any person to build a new church or to endow those already built with £1,000 or £100 per ann., and convey to such person and his heires the perpetual advowson of such church so built or endowed ; his Clark receiving induction from the Governour. Her Majesty is humbly desired to make a gracious answer to this proposal, *etc.*  $\frac{1}{2}$  p. [*C.O.* 28, 38. No. 88.]

[1714.] **740.** Extracts of despatches from Maryland (*v.* Feb. 20 and July 11th). 1 p. [*C.O.* 5, 720. No. 22.]

[1714.] **741.** Officers of the garrison of Annapolis to the Queen. Whereas we have been informed by letters from Great Brittain

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of the scruples and difficultys yt. have been made against ye allowing ye troops in garnison here provisions besides their pay *etc.*, it appears to us impossible that they can subsist without. The country here is so farr from being able to furnish them att any rate that ye greatest part of them who live in the neighbourhood have their whole dependance upon the garnison for provisions. There is no supply to be had nearer than Boston. The victualling of your Majesty's ships there comes to 9*d.* sterl. per man each day wch. is one half more than a private soldier's pay, besides the transportation here which comes to a 4th part of the price of the provisions. European goods cost near 4 times as much here as in Great Brittain. Add to this the disadvantage our troops are under in this new Colony where they can have no opportunity att all of gaining any money by working when not upon duty (save only when att work upon the fortifications) whereas the troops in New England when not upon duty can allways have employ and earn att least 3*s.* per day, notwithstanding of all which they [*have*] att least 5*s.* per week pay besides good provisions, *etc.* *Pray for similar pay and provisions. No signature or date. 1 large p. [C.O. 217, 31. No. 12.]*

[1714.]

**742.** Petition of Col. William Codrington of Antegoa, to the Queen, offered by his brother in law, Christopher Prisick. *Prays* to be appointed Lt. Governor of the Leeward Islands and Deputy Governor of Antegoa, not for the profit of the said places, being very small, but for the honour of serving the Queen, *etc.* *Signed,* Chris. Prisick. 1 *p.* [*C.O.* 152, 39. *No.* 124.]

## ADDENDUM.

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July 20.  
Lillingston-  
Dayrell.

**743.** J. Tucker to Mr. Lewis. *To same effect as No. 46. Signed,* J. Tucker. *Endorsed,* R. 22. 1 *p.* [*C.O.* 37, 26. *No.* 18.]

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## GENERAL INDEX.

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